# The Outlook

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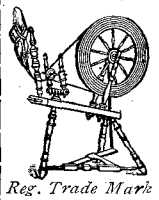

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# The Outlook

JANUARY 6, 1912

LYMAN ABBOTT, Editor-in-Chief HAMILTON W. MABIE, Associate Editor
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A REPUBLIC FOR CHINA?

A dramatic event at Nanking and two important events at Peking made last week a stirring one for China. The Nanking event was the unanimous election by delegates from the revolted provinces of the best known of all the republican leaders, Dr. Sun Yat-sen, as "President of the Provisional Government of the United Provinces of China." The question arises, How will this affect the fortunes of General Li Yuan-hung, who has led the revolutionists from victory to victory, and who some time since proclaimed himself President of the Chinese Republic. In Peking, surmounting enormous difficulties, Yuan Shi-kai, the Chinese Prime Minister, has finally obtained the consent of a majority of the chiefs of the Manchu reigning family to a vote in a national convention, soon to be summoned, as to whether China should be governed by a constitutional monarchy or by a republic. The Outlook believes that the first is the only practicable governmental method for China, and that at the present stage of the development of the Chinese people the establishment of a republic would be premature and, in the end, would fail. But that would not be all. Such a failure would make possible a successful reactionary movement. Thus the last state of China would be worse than the first. Nor would this be all. Foreign intervention would be necessary, and that might mean what has been so often feared—the partition of China among the Powers. As to the vote in a national convention, no one can now say whether it will favor a republic or a constitutional monarchy even if the delegates to the convention are honestly and fairly chosen—men who, in the Premier's words, "enjoy the confidence of the people." Two reasons lead to this conclusion: First, as the Prime Minister points out, many of the old officials who have taken office under the revolutionist leaders have done so rather with the desire of maintaining comparative order within their jurisdictions than because of any strong leanings toward republican principles. In the second place, outside of the eighteen provinces which constitute China proper, there are the provinces of Manchuria, Mongolia, Eastern Turkestan, and Tibet, constituting two-thirds of the Empire's area, and the opinion in those great outlying dependencies is, in general, monarchical.

CHINA AND RUSSIA

Indeed, in Mongolia the monarchical opinion is so strong that its princes have refused to recognize China's sovereignty over their country if the future Chinese Government is to be republican in form. A month ago they decided that if the Manchu dynasty were overthrown, there being no other to take its place, they would declare their independence. This suited Russia exactly. It has long been evident that one of the first advantages to be sought by Russians from any Chinese unrest would be in Mongolia. Not only is Mongolia Siberia's next-door neighbor, but Russia has also an immediate pretext in her desire to hasten the construction of a railway from Siberia across Mongolia to Peking, thus bringing Europe by three or four days nearer to the Chinese capital than at present. Accordingly, following the expulsion by the Mongols of Chinese officials from the province, the Russian representative at Peking requested that China should promptly resume control of Mongolia. He received the rather pathetic reply that at present China was unable to comply. Thus this inability opens the way for a distinct extension of Russian influence in that dependency, and also for the possibility of the ultimate annexation of a sparsely settled province, with a population of several million, very nomadic in character. Should Russia prevail in Mongolia, it is expected that a like fate would befall Eastern Turkestan, which adjoins Mongolia to the west, and with regard to which



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Russian covetousness has been quite as evident. The difficulty with all this is that when, as now, partition was threatened a dozen years ago, Secretary Hay put Russia and the rest of the Powers on record as maintaining the integrity of the Chinese Empire. If Russia disregards this, will not the Powers protest? Will not our own Government, having obtained the consent of the Powers to the preservation of China, be the first to protest? As to any effect, however, verbal protests, unsupported by something more forcible, hardly count for much among the Orientals—and in this case, as in some others, Russia may be regarded as a semi-Oriental Power.

PERSIA AND RUSSIA

Much of the news from Persia is confused and obscure, but its general tenor is not reassuring to those who are concerned for Persia's future as an independent and self-governing nation. Mr. Shuster, the American Treasurer-General, some of whose acts afforded Russia the pretext for active interference in Persian affairs, has been dismissed. He is only awaiting the appointment of his successor to leave the country. There have apparently been bloody conflicts between Persians and Russians in the northern part of the country, but it is not easy at this distance to determine on which side the fault lies. Russia, however, asserts that the aggression was all on the Persian side, and, having the power, will doubtless be able to make good that point of view by force of arms. Despatches from St. Petersburg indicate that punishment is to be inflicted in northern Persia relentlessly and cruelly. Meanwhile, in spite of the complete submission of the Persian Government to Russian demands, no Russian troops have been withdrawn from Persian territory. Whether they will ever be withdrawn will remain for the course of future events to show. There is nothing in the history of Russian foreign policy to indicate that the Russian hand which now presses heavily upon Persia will be lifted from any altruistic or humanitarian motive, or because of any consideration for the rights of the Persian people.

PERSIA AND GREAT BRITAIN

So far as the public is informed, Great Britain has not yet taken any diplomatic steps to check or to modify Russia's course in Persia. This policy of the British Foreign Office has aroused widespread criticism in England. This criticism has come largely from Liberals, but it has also been given expression to by Lord Curzon in the House of Lords. Lord Curzon is a long-time student of Eastern affairs, an authority on Persia, and a former Viceroy of India. He is naturally deeply interested in anything which concerns Great Britain's position in India and the Near East. Criticism is directed against the Persian policy of Sir Edward Grey, the British Secretary of State for Foreign Affairs, on two grounds—the one altruistic, the other selfish. It is declared that for Great Britain to remain inactive while Russia oppresses Persia is for Great Britain to be false to its traditional attitude toward weaker peoples—an attitude of sympathy and helpfulness and not of aggression—and false to its specific responsibility to the Persian people. In the Anglo-Russian Convention of 1907 both Russia and Great Britain agreed to respect the independence and integrity of Persia; and shortly thereafter the British Government gave an even more explicit pledge to Persia that nothing would be done to violate her integrity and independence. A leading organ of Liberal opinion in England declares that one of the conditions which Persia has been obliged to accept from Russia without protest from Great Britain is "a gross infringement of Persian sovereignty." A second ground of criticism of the policy is that it is bad from the point of view of British interests. Lord Curzon has pointed out the movement which is unconsciously taking place toward the partition of Persia. The Anglo-Russian Convention provided for economic partition; the present events are leading directly to administrative partition, from which the steps to political partition and thence to geographical partition are well-nigh inevitable. Such a division of Persia would, in Lord Curzon's opinion, have serious dangers by bringing the Russian frontier into close contact with the British frontier. The whole policy of buffer states would be done away with, and the defense of India from possible Russian aggression would be rendered infinitely more difficult. It is also argued that it is foolish for Great Britain to pay for the support and friendship of Russia in European affairs the price involved in tacit consent to Russian aggression in Persia. And this not because the price is so high, but because there is the

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gravest danger that the thing bought would not be delivered if it should ever become to Russia's advantage to repudiate the bargain.

GREAT BRITAIN'S FOREIGN POLICY

But in estimating the weight of these criticisms several things should be remembered. First, Foreign Offices generally know considerably more about the internal conditions of a country like Persia, and generally have a much keener appreciation of the difficulties of preserving each his own country's interests there, than their critics can have. Second, the first duty of the British Government is to the British Empire; and the British Foreign Minister who should fail to keep as the first and most sacred article of his creed the preservation of the integrity, prosperity, and prestige of the British Empire would be false to his trust. The British Empire has been, and is, a tremendous force for the advancement of civilization throughout the world. Anything which should endanger the British Empire would be a greater blow to civilization than even the oppression by an unscrupulous Power of a weaker people. Third, behind the dealings of diplomacy still looms, even in this age of the world, the possibility of war. The nation which would interfere with the activities of one of its colleagues must always be prepared to face the contingency of war. So long as there are bandits in the world, those who would interfere with their depredations and would make them give up their booty must be prepared to make good their interference by force of arms. If Great Britain is to rely, for the maintenance of her position in Europe, not upon the potentiality of her armed strength, but upon her friendships among the nations of Europe, the British people must be ready to pay the price of those friendships, even if the price involves a loss of national self-respect. In plain words, if Great Britain is to reckon the friendship of Russia among the essential elements of her defense against Germany, she cannot be too critical of her ally's activities in other directions. Only when her naval strength is sufficient so that she is indifferent to any threat from Germany will England be safe in running the risk of sacrificing the friendship of Russia in the cause of justice to a weaker people. And yet some of those who are most severe in criticising the present British policy in Persia are most strongly opposed to the adequate upbuilding of the British navy. Meanwhile the British course in Persia is complicated by an attack by tribesmen upon a British consular officer and his escort. The officer was wounded and several of his escort killed. England may find it necessary to interfere herself in southern Persia to preserve her legitimate interests there.

THE FAMINE IN RUSSIA

The existing famine in Russia is a striking proof of the fact that in a despotically governed country the national revenue may be large and the national credit good while the economic status of the people who furnish the revenue and maintain the credit is extremely low. According to the latest report of the Russian Minister of Finance, the revenues of the Empire are so largely in excess of the estimates that it is possible not only to make a considerable reduction in the national debt, but to set aside, as a "free cash balance," a surplus of more than $200,000,000. At the same time, the taxpayers whose earnings go to make up this superabundant revenue are so poor and have so little reserve capital that they are reduced by a single bad harvest to a condition that may fairly be described as desperate. On account chiefly of unfavorable climatic and meteorological conditions, there was a complete or partial failure of the crops this year in twenty Russian provinces, and the result is a widespread famine which affects the health and well-being of twenty million people, and which has already reduced more than eight million of them to a state of actual starvation. Hundreds of thousands of peasants in the provinces that border the Volga or lie on the eastern and western slopes of the Urals are suffering for food, and tens of thousands of them have been able to keep themselves alive only by eating weeds, acorns, or the bark of trees. Epidemics of scurvy and "hunger-typhus" are reported from scores of villages in the eastern part of European Russia, as well as from many provinces in Siberia and the Caucasus, while the state of affairs in Orenburg, Samara, and Saratof is said to be as bad as it was in the great famine of 1891, when hundreds of millions of rubles were spent in the work of famine relief, and when a ship-load of food was bought and sent to Russia by citizens of the United States. In a communication recently sent to the Duma, Dionysius, Bishop

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of Orenburg, declared that peasants in his diocese who had eaten the last of their food were applying to their priests to give them the last sacraments, in view of impending death.

DRIVING HELP AWAY

In this famine, as in the famines of 1891 and 1906, the relief measures of the Government have failed in timeliness and adequacy. Public works have been organized in a number of the famine-stricken provinces, and $60,000,000 has been appropriated for the purchase of food and seed; but under bureaucratic management the public works have failed to give employment to millions who need it, and the famine relief fund is not half large enough to meet the urgent needs of the starving population. It would be supposed that in such a crisis the Government would give every possible encouragement and assistance to societies and private individuals who are willing to co-operate in the work of famine relief; but the Council of Ministers is so much afraid of a possible revolutionary propaganda in the guise of relief work that it will not allow the public at large to furnish aid, to distribute food, or even to solicit subscriptions for the benefit of the starving people. In this respect the Ministry of Kokovtsef is more despotic and reactionary than even that of Stolypin. In reply to an interpellation in the Duma, in 1906, Premier Stolypin said: "Local organizations and private individuals will not be obstructed in famine-relief work. On the contrary, they will have the fullest sympathy and support." Premier Kokovtsef, however, takes a different view of the situation. When representatives of twenty-two benevolent societies in St. Petersburg called upon him, a few weeks ago, and asked permission to organize famine-relief work, they were informed that the Council of Ministers had decided not to allow societies or private individuals to carry on such work independently of the Government. In the famine of 1906 the Piragof Medical Society, which has branches in all parts of the Empire, raised a fund of a million rubles and fed for months more than one hundred thousand people, in twenty-three provinces. This year it is forbidden to organize such relief, and its funds in the province of Perm have been confiscated by the local authorities. In 1906 the Free Economic Society of St. Petersburg—the oldest scientific organization in Russia—maintained twelve hundred food-distributing agencies and fed one hundred and twenty thousand starving peasants, at a cost of five hundred thousand rubles. This year it is not allowed to do famine-relief work of any kind. Newspapers in all parts of the Empire have been forbidden to solicit public subscriptions for the relief of the destitute people, and if they venture to criticise the famine-relief policy of the administration their editors are fined or imprisoned. It would seem to a foreign observer that a Government must be very insecure or very cowardly when it dares not trust such organizations as the Free Economic Society, the Piragof Medical Society, and the Society for the Preservation of the Public Health to distribute food or employ additional physicians in provinces where the people are dying of starvation, scurvy, and hunger-typhus.

THE NEW CAPITAL OF INDIA

Following his announcement at the Durbar, George V, King of England and Emperor of India, has now laid the first stones of the new capital city of India—Delhi. No Imperial announcement, we believe, has ever appealed more to the imagination of the people of India—to the imagination of Hindu and Mohammedan alike. For Delhi is intimately associated in the Hindu mind with sacred legends which go back to the dawn of history. To the Mohammedans there is the prospect of the restoration of the ancient capital of the Mogul Emperors. The secret of the proposed change had been well kept, though the King-Emperor was careful to state that his action—"We have decided upon the transfer of the seat of the Government of India from Calcutta to the ancient capital, Delhi"—had been taken "on the advice of our Ministers." The opposition leaders in Parliament have announced their commendable decision not to comment upon the action before the King's return to England. The only serious criticisms which have as yet been made come, as might be expected, from two sources: first, from Calcutta, a city which seems to care quite as much for the effect of the change on her commercial interests as on her political prestige; and, second, from economists who deplore the inevitable costliness of the change. At all events, the Government has shown a sense of poetic justice in the appeal to Indian sentiment by the dramatic announcement that the Indian capital shall

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henceforth be no merely commercial city, like Bombay or Calcutta, but one which, as the London "Times" says, "embodies for the Indian people the traditional conception of a truly Imperial city hallowed by great memories." If the historical claims of Delhi to the primacy among the cities of India cannot be disputed, it is, as the "Times" adds, from the political point of view that the transfer of the seat of government offers the most striking advantages:

> One of the great difficulties of an alien Government in a country . . . such as India is that of keeping in touch with all the different sections of a huge population. . . . For that purpose the capital could hardly have been more unfortunately located than at Calcutta. . . . At Delhi the Government of India will not merely occupy a much more central position geographically, but it will be in immediate contact with much more varied types of Indian society. The Punjab itself is the meeting-point of many different creeds and races—Sikhs, Hindus, and Mohammedans. . . . As distances go in India, the Supreme Government at Delhi will be within equally easy reach of Central India and of the Northwest frontier, and as accessible from the Bombay Presidency as from Bengal. If . . . the future of India lies in decentralization, Delhi is far better placed than, say, either Washington or Ottawa, to play the part of a federal capital detached from the narrow interests of any single province, and keeping watch at the same time over all.

THE SURRENDER OF REYES

The news that General Reyes had surrendered himself to the Mexican Government was a great surprise to all who have followed the course of Mexican affairs. General Reyes frankly admits that his effort to incite a revolution against President Madero was a total failure. General Reyes has made a declaration in which he states that in order to bring about a counter-revolution he issued a call to the discontented revolutionists, the army, and the people, and he adds, "Not one man answered my summons." The first impulse is to draw from this an inference which is not entirely justifiable. General Reyes's surrender does not necessarily mean that Madero is to have smooth sailing. There are two directions from which armed opposition to the newly established Government may come; Reyes represented only one of these, namely, the reactionary element, which has no sympathy whatever with projects of reform and of establishing a truly representative form of government. The other source of opposition is that of the extreme radicals, who think that Madero, now in power, wishes to become a dictator and a ruler of the Diaz type instead of carrying out his promises and putting his broad theories of reform into operation. These radicals are numerous, but they are rash in assuming the truth of the reports against Madero. The new President has only lately entered upon office, and how he will conduct himself is still a matter of conjecture. To the honest radicals who are afraid of despotism are joined the bandits and desperadoes who are always eagerly awaiting a chance for violence and robbery. Accordingly outbreaks are reported from time to time at distant points, and will doubtless continue to take place. There is no evidence, however, that a large and concerted military movement is in progress against Madero's authority.

WIPING OFF A SMIRCH

A good name is better than riches. This is true of towns as well as individuals. Newark, Ohio, has learned that fact. A correspondent informs us that that city is doing its best to re-establish its good reputation. A year and a half ago there was a peculiarly disgraceful lynching there. What was disgraceful about it was not only the lynching itself, but the state of public opinion, and particularly the state of public morals as represented in the city government, which made the lynching and its attendant circumstances possible. Excuses have been offered for that occurrence. It is said that the whole body of citizens of Newark cannot be justly held culpable for this horrible crime, because five-sixths of the citizens were not aware of what was happening; because many of the other sixth, even if they could have foreseen what the excited crowd might do, had a right to rely upon the Mayor and police and Sheriff to keep peace and protect life; because the Mayor and the police could have quelled the mob if they had acted together; and because the people of the city had no idea that the mob would attempt to attack a jail and seize the man who, in the performance of his duty, had roused the anger of the disorderly element. Of course these excuses are only excuses. They constitute no defense for the people of Newark, inasmuch as the people of Newark were responsible for putting into power a city government which was incompetent and openly committed to a policy of non-enforcement of law. Americans, whether of Newark, Ohio, or of

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any other community, are intelligent enough generally to understand that they are responsible for their own government, and it is poor business for them to try to lay the blame for misgovernment upon others than themselves. Fortunately, however, the people of Newark have not been content to offer excuses. They have evidently been aroused to the necessity of repairing the damage they have done to the good name of their own city. The correspondent whom we have already mentioned refers, in support of this statement, to the following series of occurrences: first, charges were promptly lodged with the Governor, asking for the removal of the Mayor and the Sheriff, who both resigned; second, a special grand jury found indictments against over forty of the mob, charging most of them with murder in the first degree, and the rest of them with rioting and assault and battery; third, another grand jury indicted four more members of the mob; fourth, thirty-five of the indicted men have been tried and have been convicted of manslaughter, or have pleaded guilty of manslaughter, and have been sentenced—one, convicted of murder in the second degree, to imprisonment for life, others to imprisonment ranging from fifteen months to twenty years; one of the mob was acquitted, four were not prosecuted, others at the time our correspondent wrote were awaiting trial or were out on bail; fifth, the Mayor, who was responsible for the participation of the city as a city in this relapse into savagery and brutality, has sought "vindication" as a candidate for nomination, and has been defeated. We wish to call especial attention to our correspondent's account of the efforts of Newark to undo the evil that was done by that lynching. According to this account, that city has done at least considerable to show that its repentance is the only kind that is worth having—the repentance that expresses itself in deeds.

THE ACQUITTAL IN THE TRIANGLE CASE

Does the acquittal last week of Max Blanck and Isaac Harris mean that they were not blameworthy for the deaths of the one hundred and forty-six persons who perished in the Asch Building fire in New York City last March? Neither morally nor even legally can it be so interpreted. These men, partners in the Triangle Waist Company, were tried on the specific charge of manslaughter as regards one person, Margaret Schwartz, in that they knowingly kept the doors of the factory locked contrary to law—which, the Judge charged, would have constituted manslaughter in the first degree; or, that they had been culpably negligent and had omitted reasonable precautions as regards safety from fire of employees—which would constitute manslaughter in the second degree. The trial turned chiefly on the question whether Margaret Schwartz's life was lost because a particular door was locked by the order or with the knowledge of Blanck and Harris. On this point several witnesses on either side flatly contradicted one another. That perjury was committed seems certain, even allowing for the excitement and terror of the scene and for the fact that witnesses rarely agree as to exactly what happens in a panic. But the jury was unwilling to reject a large body of testimony as wholesale perjury, and, this being so, had no alternative but to acquit. It is entirely within the power of the District Attorney to begin other prosecutions if he thinks he has a good case, and there are other forms of prosecution possible than that for manslaughter. Morally, at least, the people of New York are convinced that these men—in common, it is true, with scores of other factory-owners—were guilty of carrying on their work (whether through greed or indifference) in such a way that their employees' lives were in constant danger. That they should be punished, if this can be shown, is the deep conviction not only of those who know the horrors of that day of hideous torture and the days of pitiful suffering which followed, but the conviction also of those who feel that law must be respected and lawbreakers dealt with if the city's safety and honor are to be preserved. And it should not be forgotten that the people of the whole city are guilty also of future manslaughter unless they insistently demand that laws are enacted and enforced to safeguard life to the last limit of possibility.

A HOSPITABLE ART GALLERY

A notable collection of French painting and sculpture was lately seen at the Albright Art Gallery in Buffalo, whence it goes to the Chicago Art Institute, and later to the City Art Museum of St. Louis. The Société Nouvelle of Paris (or, as it at present styles itself, the "Société des Peintres et Sculp-

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teurs "), with Auguste Rodin as its President, has hitherto consistently declined to exhibit as a society outside of France. It is to the relentless persistence, not to say importunity, of a woman that America owes the present opportunity of studying a considerable body of the work of these modern Frenchmen, said to constitute the strongest and most homogeneous of the numerous societies exhibiting in Paris. Miss Cornelia Sage, Director of the Albright Art Gallery, wanted that collection. One by one she overcame the objections of artists and dealers against sending priceless work so far into the interior of darkest America. She persuaded them of the security of the marble gallery in Buffalo against the attacks of those roving herds of bison which hovered menacingly in the Frenchmen's minds. In the end she won a representative collection of the work of the entire Society, including four pictures loaned by the Luxembourg—an unheard-of concession. Supplemented by loans from American collectors and dealers, the exhibition includes one hundred and sixty numbers, the work of thirty artists—such men as Besnard, Cottet, Aman-Jean, Lucien Simon, Ménard, the late Eugène Carrière, La Touche, Jacques-Émile Blanche, Rodin, and Prince Paul Troubetzkoy. The fact that such a collection as this remains for more than thirty days in a city like Buffalo argues strongly in favor of the foresight of Mr. Albright in providing a superb art museum for a city possessed of no more than a modest collection of pictures. The marble gallery, set in the open country on the edge of Delaware Park, insures loaned treasures against fire risk. Its not too crowded rooms afford magnificent architectural setting for the loan collections with which it is kept almost constantly filled. Buffalo sees pictures. If one excepts small dealers' exhibits, Buffalo sees more representative American pictures in a year than does, for example, Boston. And many a foreign exhibition, like that of the bronzes of Prince Paul Troubetzkoy, delights Buffalonians while it skips the Hub. Foreign artists, like Sorolla and the Russian sculptor just named, are welcomed at dignified public receptions at the Albright Art Gallery, which makes their personality as well as their work familiar to the art lovers of the city. First possessions, and then a gallery to put them in—it is undoubtedly the way of logic. But there is certainly something to be said for Mr. Albright's method of putting the cart before the horse. A half-empty, highly hospitable gallery may do wonders toward the art education of a city.

THE AMERICAN ACADEMY IN ROME

The American Academy in Rome, which is now housed in the capacious and beautifully situated Villa Aurelia, on Mount Janiculum, was the subject last week of an interesting discussion between Senator Root and Senator Bailey. The Academy, as readers of The Outlook will remember, was one of the many important results of the World's Fair at Chicago. A group of architects and sculptors who had worked together on that vision of a city of the future which caught the imagination of the entire country, and gave impulse both to sculpture and to architecture of the highest importance, realized for the first time what could be accomplished by co-operation. They had done a great National work, and they were reluctant, as were all people who saw their work, to have that achievement go into the past without some permanent memorial. After the consideration of many plans, in 1894 the architects organized the American School of Architecture in Rome, sending over for a time one student a year and giving him such accommodations as it could command. The value of the school broadened the interest in it; and the American Academy finally grew out of it and was housed in the Villa Mirafiore, with its attractive gardens, for a number of years; and there a small group of young men—students in architecture, sculpture, and painting—found a delightful home and facilities for advanced work. During the summers they went to various sections and made original studies in art and architecture. In a way the Academy resembled the famous French Academy, housed in the beautiful Villa Medici, where the happy winners of the Prix de Rome receive advanced instruction in the different departments of art; but the American school has been freer in its methods, and endeavors to give suggestion and aid rather than formal instruction It was recently united with the American School of Architecture, and both are now housed in the Villa Aurelia, the gift of a generous woman who for many years took a great interest in their work. There are three contests every year in this country for the Rome scholarships. Students from every part of the country submit their work in com-

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petition; and the prize-winners are sent to Rome for three years at the expense of the Academy, with an annual allowance of a thousand dollars a year each for their expenses, and also with an allowance for all legitimate traveling expenses. The Academy is a fine representative in Rome of the American spirit and the American people, is thoroughly democratic in its character, and is an extension of educational opportunity, for the most gifted young men, of the highest importance to the country.

BREAD AND BEAUTY

Six years ago, by special statute of Congress, the American Academy in Rome was incorporated as a Federal corporation, no grant being asked of Congress, but an endowment of one million dollars being raised by private subscription. Among the contributors to this endowment were Mr. Morgan, Mr. Walter, Mr. William K. Vanderbilt, and others, and among the organizers were Mr. Hay and Mr. Root. A bill has been before Congress for some time making certain changes in the incorporation of the Academy under the laws of the District of Columbia, in order that it might receive the benefits of a bequest given by the generous woman who had previously left her beautiful villa as its home. Senator Root introduced the bill, and no opposition was expected; but Senator Bailey appeared on the scene with the declaration that he was opposed to encouraging institutions for American students abroad "until every hill in America is crowned with a public schoolhouse," adding that the Government ought to give its attention to the millions "who struggle far beneath the point of desiring instruction in art." Said the eloquent orator:

If, forgetting the youth of our land, many of whom are denied the priceless blessing of even a common-school education, they choose to devote their fortune to the higher education of special classes, that is their concern, not mine. But when Congress is asked to give its sanction in a way which I think is beyond its power, ungracious as it may seem, I feel constrained to protest.

Mr. Root's reply gave him the opportunity of stating briefly the object of the Academy:

It is a corporation of the District of Columbia which maintains in the city of Rome a school for the benefit of American youth, selected by competition from all parts of the United States, in order that not the city of Rome may be benefited, but in order that the people of the United States may have for their own sons and daughters an advancement in taste and in the knowledge of those arts that promote the happiness of mankind, in order that Americans will not be confined in obtaining their knowledge and edution in art at second hand, but may be enabled to go to the fountain source from which the art of the world is so greatly drawn.

Senator Root recalled the educational influence of the great Court of Honor at the Chicago Fair, the pleasure which it gave and the impulse to the creation of beauty, which is a part of the need of human beings; declaring that, in his belief, after men had eaten and drunken all they can, worn all the clothes they need, and satisfied their material wants, there is great happiness to be obtained from the cultivation of taste. The founders of the Republic, he said, had no academy at Rome, but they had Thomas Jefferson in Europe, cultivating his tastes, and bringing home a strong artistic impulse of which the beautiful design of the University of Virginia is one of the fruits. In answer to Senator Bailey's declaration that that University had been organized without an art department, Mr. Root replied that Jefferson also designed Monticello, that he added his share to the creation of the Capitol and the White House, and that he took a large part in the development of Colonial architecture, the most delightful architectural creation of the New World. Whether or not the discussion illuminated the mind of the Senator from Texas, it evidently converted the Senate; for the bill was passed without the formality of a roll-call. It would be a great injustice to treat Senator Bailey's pictorial oratory as an expression of his convictions; he was undoubtedly speaking to those larger galleries which include the constituents of every Senator whose conception of his office enables him to speak, not to the Senate, but to the men who elected him and who are to decide whether he shall stay or return home.

REPARATION TO SAPPHO

The discovery that a number of classical writers who, because they have long been classics, have been accepted as truth-tellers, were, as a matter of fact, mere gossips, and malicious gossips at that, has led to the rehabilitation of several damaged reputations. Tiberius, for instance, long regarded as a dissolute tyrant, spending a shameful old age in his palace at Capri, appears to have spent his time largely with Greek philosophers and in studious pursuits. In 1910 a gallant Frenchman came to the rescue of Phryne, arguing that no evidence

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could be found in ancient writings to prove her appearance on the occasion of her famous trial in Athens garbed only in immodesty. Now Mr. Théodore Reinach has come to the rescue of Sappho, whose character has long been regarded as questionable. Sappho's reputation as a poet rests on very few, but very convincing, survivals of her work; her evil reputation has rested on the very slightest foundations, and Mr. Reinach thinks he has discovered that she was a widow in reduced circumstances, who provided a home for high-born girls on Lesbos, where they were taught music, art, poetry, dancing, and possibly the art of dressing. The evidence for this position is furnished by some lines of Sappho, and especially by a recently discovered ode, in which she prays for her brother's safe return from Egypt. He maintains that Sappho was of a family of sufficient position to suffer banishment, whereas women of her alleged habits were always humbly born, or foreigners, and he believes that the stories which have reflected on her reputation are fables. Sappho is entitled to the assumption of innocence until her guilt has been proved; and it is certain that evidence of her guilt is lacking.

A UNIVERSITY FOR THE PEOPLE

The annual report of Dr. Henry M. Leipziger, who has charge of the evening lectures given in the public schools of New York City, furnishes additional proof of the popularity of what has happily been called a "University for the People." With a staff of more than seven hundred lecturers who addressed during the year nearly fifty-five hundred audiences and reached almost one million people, it is quite impossible to estimate the educational value of this larger use of the school-houses of New York. The vast sums invested in those buildings yield a larger return than ever, and the expenditure is justified on larger grounds. The school-house which closes the doors on the children in the afternoon only to open them to their parents in the evening is doing double duty, and is a real municipal building. One significant feature of the work last year was the increasing interest in municipal and governmental topics, an interest which carries with it definite hope for better government and better citizenship. Another indication of the awakening minds of the men and women who attend these lectures is the intelligence shown in the questions which are asked by the audiences on these subjects. In New York City many languages have been spoken since before the Revolution; and consequently it is eminently fitting that many lectures should be given in the Italian and German languages, and in Yiddish. Another happy adaptation of these lectures to the public service is the instruction given concerning the preservation of health, and especially concerning the prevention of tuberculosis. A long step toward the unification of the educational facilities of the metropolis is taken in the co-operation of the lecturers with the public libraries. On every lecture bulletin the location of the nearest library is printed, and the librarians prepare special lists of books for reading in connection with the lectures.

## GAMBLING WITH THE PEOPLE'S HEALTH

Alarm should be felt throughout the country at the action of Governor Dix in demanding the immediate resignation of the Health Officer of the Port of New York. If the facts could be generally known as they are known to us, alarm would be accompanied with angry resentment. For sheer irresponsibility, this action of Governor Dix's matches anything that has been done by any high public official in recent years.

The Outlook is not saying this carelessly or heedlessly. We have seen the transcript of evidence taken by the Commissioner whose recommendation Governor Dix follows. We have the report of that Commissioner, who took the evidence and who made the recommendation. In the light of that evidence, Governor Dix's action is not only astounding, it approaches the incredible.

For sixteen years Dr. Alvah H. Doty has been Health Officer of the Port of New York. Although an officer of the State of New York, he has stood as guardian at the gate through which nearly a million immigrants a year pass from Europe to all parts of the United States. In all that time he has succeeded in preventing any imported epidemic from getting a foothold in this country. Perhaps the finest achievement of his administration has come within the past year in his successful defense of the Nation against the threatened invasion of cholera. His work in this respect has called forth high praise from physicians and medical experts.

What is more astonishing still is that he

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has done this with appliances that are far from adequate and with a force of helpers that the State has been too niggardly to make as efficient as they should be.

Against this man a newspaper, the "Jewish Morning Journal," instigated certain charges, and offered to support them by the statements of some immigrants. Some of these statements are so palpably unreasonable and contradictory that no person of ordinary intelligence would consider them as calling for any refutation. One example will suffice. It was charged that mothers were not allowed to see their children even when they were very ill and dying; and, second, it was charged that mothers were allowed to see their children under circumstances of illness that caused the mothers great distress. In other words, the Health Officer was charged with being inhuman on absolutely opposite grounds.

The Commissioner, by the name of Bulger, issued a report which, so far from being judicial in character, is virtually a mere restatement of charges, with a show of reference to the evidence. What the character of this report is may fairly be judged from three examples. This Commissioner, to cite one example, lumps yellow fever with smallpox, plague, and cholera as a disease that can be conveyed from one person to another by direct exposure. We had supposed that no citizen who had access to the ordinary means of information was to-day ignorant of the fact that yellow fever is conveyed exclusively by a species of mosquito that does not exist at the latitude of New York. Another instance: this Commissioner cites as serious testimony the fantastic tale that a drink was prepared from gin and passed around in an urn which had contained human ashes, which some one had said were the ashes of the late Colonel Waring. Of course this story has no value except to supply newspapers with front-page material, and, if it had its origin in anything but a disordered and malicious witness's mind, can be attributed only to somebody's grisly sense of humor. One more instance: the Commissioner, in referring to the charge that two or more children were on various occasions washed in the same water, admits that this charge was "stoutly contradicted and indignantly denied" by the Supervisor of Nurses and by the Chief Medical Officer; but he says that the immigrant women whose testimony supported the charges appeared to be "frank, candid, conscientious," and so he rejects *in toto* the testimony of these two responsible people, and declares that this alleged mode of washing children is a foul and cruel "wrong on helpless childhood," condemns itself, and cannot be excused. These are fair samples of the Commissioner's report which Governor Dix accepts as adequate reason for dismissing Dr. Doty, whose record as a health officer has been extraordinary and in some respects unique.

Governor Dix's letter to Dr. Doty, approving and following the recommendations of the Commissioner who condemned Dr. Doty, is such a letter as one would write to a man who had proved himself, by the results of his work, corrupt, immoral, and incompetent. Undoubtedly this letter, read in whole or in part by hundreds of thousands, will create the impression that Dr. Doty has been not only incompetent, but immoral and corrupt. It is a calamity for a State that it should have for Governor one who so little realizes his responsibility as to put forth such a document as this letter. It absolutely disregards the indorsement of Dr. Doty by men of the highest standing in the community: in particular, such eminent physicians as Dr. Flexner, the great bacteriologist of the Rockefeller Institute; Dr. Janeway, Dr. Jacobi, Dr. Prudden, Dr. Biggs, Dr. Park, Dr. Polk, President of the Academy of Medicine; and the former physician to President Cleveland, Dr. J. D. Bryant.

This is not the first time that attempts to secure Dr. Doty's place for some other man have been made. Charges substantially like these and supported by substantially the same testimony were offered during Governor Hughes's administration, and Governor Hughes, after an examination of them, refused even to institute an investigation. When he reappointed Dr. Doty, Governor Hughes made special reference to his efficient service.

Not the least serious aspect of the Governor's demand for Dr. Doty's resignation is the way in which it has been presented. Dr. Doty's term expired about a year ago (in February, 1911), and Governor Dix, if he had wished, could have appointed his successor then. But he did not wish to do so. Then came the investigation, and before the report of that investigation was made the Legislature adjourned. It then became impossible for the Governor to appoint Dr. Doty's successor without either removing Dr. Doty under charges or waiting until

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the Legislature should reassemble. The Governor has done neither until now, within a week of the reassembling of the Legislature. And now, instead of waiting until the Legislature reassembles and appointing Dr. Doty's successor, he takes these few days in which to indorse the charges sustained by the Commissioner. It is an extraordinary action.

What can the people of the State do about it? What can the people of the Nation do?

In the first place, they can make known their resentment by writing directly to Governor John A. Dix, Albany, New York; that will probably not save Dr. Doty from dismissal, but it may impress upon Governor Dix the danger of appointing as Dr. Doty's successor a merely "political doctor."

In the second place, the people of the State can impress upon their legislators the necessity for seeing that proper facilities are provided for quarantine purposes at the port of New York.

In the third place, the people of the Nation should discuss the question whether the Federal Government ought not to take up the duty of protecting the health of the whole Nation by standing guard at its chief port.

It should be remembered, however, that no change in machinery is going to save the country from action such as that of Governor Dix. The responsibility for this menace to the people's health rests directly upon the voters of New York State, who, in a mood of inexplicable fear of imaginary evils, put Mr. Dix into the Governor's chair and brought upon themselves evils that they now see are very real. Changing the health officer from the State to the Federal Government will not prevent, necessarily, the recurrence of such an act as this. So long as the people of New York had the sense to keep a man like Governor Hughes in the Governor's chair, the port of New York was well guarded. If the people of the Nation should ever have the recklessness to put a man like Governor Dix into the President's chair, the port of New York would be in as great danger as it is now under Governor Dix.

If, as a consequence of this act, cholera or some other epidemic disease gets a foothold in this country, it will be due to misgovernment; and the deaths of men, women, and children will rest heavily on Governor John A. Dix. But the fact that a man like Governor Dix is in position to bear such responsibility is attributable to the votes cast by thoughtless and prejudiced voters.

## THE LAW'S DELAYS[1]

Laymen and litigants have long felt the injustice and inefficiency resulting from the law's delays. Lawyers and judges have also taken up the cry, and the greatest hope that the country has for reform of the courts, the trial and punishment of criminals, and the administration of civil lawsuits is found in the fact that the best jurists are in favor of such reform. The especial merit of Mr. Moorfield Storey's little book on the law's delays, the substance of which formed a series of lectures at the Yale Law School, is that it deals with a legal and technical subject in a human and interesting way.

Mr. Storey is an accomplished lawyer, but he is first of all an ardent anti-imperialist, and therefore a passionate opponent of Theodore Roosevelt, whom he regards as an arch-imperialist. His book is in itself an amusing illustration of the law's delay, or rather of the lawyers' delay, for he delays attacking his main subject in order to devote some pages to a severe criticism of Mr. Roosevelt's alleged criticisms of the courts. He also illustrates one of the defects of legal procedure in the criminal law when he asserts to the jury (that is, to us, the readers of his book), as a fact, something that is contrary to the evidence. In criminal law, we believe, this is called pettifogging. He repeats as fact some newspaper gossip about Mr. Roosevelt by referring to and condemning "his attacks during the recent political campaign [that of the autumn of 1910] upon the Supreme Court of the United States and upon other eminent judges whom he characterized variously as 'fossilized,' 'reactionary,' or in even less flattering terms." The speech "during the recent political campaign" upon which this distorted gossip is based was delivered by Mr. Roosevelt before the Colorado Legislature, upon the invitation of that body. The only passage in which the word "fossilized" occurs (we quote from the stenographic report already printed in full in The Outlook) runs as follows:

> By a five to four vote they [the Supreme Court] declared the action of the State of New York unconstitutional, because, forsooth, men must not be deprived of their "liberty" to work under unhealthy conditions.
>
> All who are acquainted with the effort to remedy industrial abuses know the type of mind (it may be perfectly honest, but is absolutely fossilized) which declines to allow us to work

[1] The Reform of Legal Procedure. By Moorfield Storey. The Yale University Press, New Haven.

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for the betterment of conditions among the wage-earners on the ground that we must not interfere with the "liberty" of a girl to work under conditions which jeopardize life and limb, or the "liberty" of a man to work under conditions which ruin his health after a limited number of years.

Such was the decision. The court was, of course, absolutely powerless to make the remotest attempt to provide a remedy for the wrong which undoubtedly existed, and its refusal to permit action by the State did not confer any power upon the Nation to act. The decision was nominally against State's rights, really against popular rights.

Mr. Roosevelt called, not individual judges, but a type of mind, fossilized. Unless Mr. Storey possesses that not uncommon type of mind himself, he will be the first to perceive how baseless is his charge that Mr. Roosevelt "attacked the Supreme Court" and characterized it as "fossilized." The incident is not of great importance except as showing the difficulties of dealing with legal injustice. For here we have an eminent lawyer who, in the very act of protesting against certain defects of the legal profession, perpetrates some of these defects in his own practice.

Aside from this blemish the book is a valuable and interesting one; it is full of entertaining anecdotes, vital experiences, and expert opinion. The simplicity of legal administration in England, as compared with American methods, is brought out more than once in the course of the book, and we quote the following incident, related by Mr. Storey, as an indication of what may be done for real justice when legal technicalities and legal jargon are tempered with common sense:

Some years ago a friend of mine in England was watching the trial of a case, when one of the counsel called a witness. "Why do you call this witness?" said the judge. "I want to make the jury understand the working of a winch," was the reply. "Oh," said the judge, "the jury understands that," and, turning to the jury, he said: "Gentlemen, don't you all know what a winch is and how it works?" They all nodded assent. "You see," continued the judge, "you don't need this witness. Call your next." A little while later the case was given to the jury, who, as is very often the case in England, consulted without leaving the box. After a few minutes the judge turned to them and said: "Well, gentlemen, have you agreed?" "We stand eleven to one," answered the foreman. Addressing the counsel, the judge said: "Gentlemen, will you take the verdict of the eleven?" They assented, and the case was ended. This was practical sense, and it may be added that consultation by the jurymen under the eye of the judge and counsel should be encouraged. It insures attention to business, and avoids much waste of time in the jury-room.

In contrast with this common-sense treatment of non-essentials in English courts Mr. Storey gives some examples of the way in which justice has been defeated by the observance of trivial technicalities in some American courts within a few years:

One man was convicted of murder in the first degree and the verdict was set aside because the foreman spelled "first" "fust." In another case a convicted murderer was given a new trial because "breast" was spelled in the indictment without the "a." Another murderer was given a new trial because, though the indictment alleged that he stabbed a man who did "instantly die," the words "then and there" were not inserted before "instantly," as if he could have died instantly without dying "then and there," or as if it made any difference when or where he died if he was killed by the accused Again, an indictment for rape was held defective because it concluded "against peace and dignity of the State," instead of "against *the* peace and dignity of the State," and a conviction of murder was set aside because in the name of the murdered man, Patrick Fitz-Patrick, the second "patrick" was spelled with a small "p."

Among the fundamental remedies which Mr. Storey proposes for these defects in American legal procedure we select three for especial mention.

The first is better courts with greater powers—that is, courts with able, strong, and independent judges who shall have a greater latitude than they now have in rendering decisions and in directing the course of trials.

Second, legislatures which shall devote themselves to the enactment of general principles rather than detailed, petty, and complicated prohibitions.

Third, a body of lawyers who believe that their function is to promote justice and to prevent crime, and who will no more stoop to encouraging and prolonging litigation for the sake of profiting by it than a physician will stoop to spreading an epidemic for the sake of the fees that he may derive from it.

The independence of judges is not promoted by expecting a judicial candidate to contribute money to the campaign funds of the party which supports him.

Justice is not served when the Legislature establishes a system of conditions and prohibitions under which, as happened recently in a case cited by Mr. Storey, 9,000 men may be summoned and nearly 5,000 examined before a jury is finally chosen; or under

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which a defendant in a criminal case is relieved of the necessity of taking the witness-stand lest he should incriminate himself. If the purpose of the State is to discover and punish the guilty offender, "why shouldn't he incriminate himself?" asks Mr. Storey with great pertinence.

And the Bar Associations of the various States should make a concerted effort to prevent unscrupulous lawyers from stirring up litigation, as, for example, in the field of personal damage suits. "The prosecution of such suits becomes a business by itself, and in every large community there are lawyers with offices equipped to gather and press such claims. They have runners who visit the injured, doctors who send them cases and testify for the claimants, experts upon whom they rely, . . . and secret methods of reaching jurors."

Mr. Storey has written a readable book which will interest the layman as much as it does the lawyer. Its great value lies in the fact that it is a severe, although dispassionate and impartial, indictment of American courts and American lawyers by a lawyer who is familiar with and a believer in the best traditions of what ought always to be a useful and noble profession.

## AMERICA'S OPPORTUNITY

We hope that our readers noted Dr. Mary P. Eddy's letter in last week's Outlook. If not, we hope they will look back and read it now. Her picture of conditions in the Turkish Empire suggests America's opportunity. It is the opportunity to bring about peace between Italy and Turkey.

The agreement between the nations signed at The Hague provides that "it is expedient and desirable that one or more Powers, strangers to the dispute, should, on their own initiative and as far as circumstances may allow, offer their good offices or mediation to the States at variance," and may do this "even during the course of hostilities," and that such an offer "can never be regarded by either of the parties in dispute as an unfriendly act." Both Italy and Turkey are parties to this agreement.

Do the circumstances allow such an offer of mediation in the present case?

Turkey has already appealed to the European Powers to intervene. Turkey could not object.

Italy finds her African expedition far from a holiday picnic. She holds so much of the province of Tripoli as is covered by the guns of her fleet. But permanent occupation and settlement of the country are possible, if at all, only at the cost of long, expensive, and tedious guerrilla warfare with the native tribes. In such a warfare little is to be gained in either honor or commercial advantage. Even if Italy's successes have been as great as her most enthusiastic sons think they have been, Italy could not regard the offer of mediation as an unfriendly act. She might welcome it; as did Japan after far greater victories both on land and on sea.

The future holds dread possibilities: for Italy, danger of present unrest breaking out in republican revolution against a military monarchy which imposes an added burden of taxation on a people already overburdened; for Turkey, danger of a revolution against the Young Turk and a return of the Old Turk to power, with all which that involves, including possible wholesale massacres; for the surrounding countries, danger of a new religious war—the Crescent against the Cross—the seriousness of which it is impossible to overestimate. These are not probabilities; but they are possibilities, seriously discussed by those most familiar with the existing conditions.

Peace is not impossible. Italy made war avowedly to secure protection for her citizens residing in Tripoli. If through mediation she could secure adequate guarantees for such protection, she could make peace without humiliation.

America is the one Power which can intervene without provoking hostility. England, France, Germany, Spain, Russia, all have interests which would cause both Italy and Turkey to look upon their proffered mediation with some suspicion. America has no such interests. She would be free from suspicion. And President Taft, who is by nature and training a diplomat and by temperament and principle a peace-lover, is the man to undertake the delicate and difficult task.

If ever it is desirable to offer mediation, if ever circumstances allow, this is the time and these are the circumstances.

Peace hath her victories no less than war. If by her good offices America could reconcile Italy and Turkey, she would have won for peace a victory second only to that which she won by her mediation between Russia and Japan.

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## THE NEW CARDINALS AND THE TEMPORAL POWER OF THE POPE

Some Protestants have been alarmed by the fact that the two new American Cardinals, Cardinal Farley and Cardinal O'Connell, when they were invested with the authority of their great office, subscribed to an ecclesiastical oath which contains the following clause: "I shall try in every way to assert, hold, preserve, increase, and promote the rights, *even temporal*, the liberty, honor, privileges, and authority of the Holy Roman Church of our Lord, the Pope, and his successors. When it shall come to my knowledge that some machination prejudicial to those rights, which I cannot prevent, is occurring, I shall immediately make it known to the Pope, his successor, or some one qualified to convey such knowledge to him."

The fear has been expressed that this clause means that the new Cardinals have subscribed to the doctrine of the temporal or political sovereignty of the Pope, and that if it does not now conflict with their loyalty as American citizens, it may conceivably do so at some future time. In our judgment, there is no ground for such a fear. In the first place, an examination of the letter of the clause does not reveal a statement of the doctrine of the political sovereignty of the Pope. The new Cardinals have vowed to promote the rights, *even temporal*, of the head of their Church. Of course the Pope has, as every other citizen of Italy has, temporal rights. He has the right of property and of the administration of that property. As the head of the great Catholic Church, he is the trustee for church buildings, colleges, and lands of great value. His temporal rights in this property ought to be sustained.

Some weeks ago The Outlook, in publishing an authorized interview with Cardinal Gibbons, pointed out the fact that the entire history of the Catholic Church in the United States, from the days of Lord Baltimore to the present time, confirm Cardinal Gibbons's differentiation between the jurisdiction of the ecclesiastical and that of the civil authorities. If it is said that the doctrine of the separation of Church and State may be held by so eminent a Roman Catholic prelate as Cardinal Gibbons and yet not be held in Rome itself, we have only to turn to the history of Italian independence since 1870 to see how completely the theory of the Papal political sovereignty has been abandoned in Rome, and even in the Vatican itself. In this respect the Catholic powers at Rome have adapted themselves with wisdom and foresight to modern conditions. In his extremely interesting and illuminating volume of essays on Italian subjects entitled "Italica," Mr. William Roscoe Thayer, the author of the recently published life of Cavour, draws attention to the changed attitude of the Roman Pontificate towards the old and practically abandoned doctrine of the Temporal Power:

> A foreigner who skims only the surface of Italian life never understands how naturally and completely the Italians separate Church and State. They distinguish exactly between the political and religious side of Catholicism. . . . Although since 1870 ninety per cent at least of the Italians would never have consented to the restoration of the Pope's temporal power, there has lurked in their minds until lately the thought that possibly foreign interference might try to bring that about. . . . But since the advent of Pius X there has come about a cessation of hostilities. At the very moment when liberal Catholics are chafing at the reaction which the Vatican has urged in religious matters, they are astonished by an unheard-of quiescence in political matters. . . . For Pius X personally everybody in Italy has sincere respect; Clericals, Liberals, and Independents concur in praising his piety and genuine religious fervor, not less than the purity of his motives. . . . The resumption of friendly relations between the Vatican and the Quirinal is, of course, officially disavowed on both sides, but it is an undeniable fact and indicates the tacit recognition by the Papalists that they need the Kingdom of Italy. The only thing indispensable to the Roman Catholic Church is that its headquarters shall remain at Rome.

Mr. Thayer's conclusion is that even those clerical authorities who in the past have upheld the political sovereignty of the Pope now recognize that it is incompatible with the modern view of the relations of Church and State, and that therefore the theory of political sovereignty, not held in recent years by the liberal wing of the Church, has been practically, though not formally, abandoned, even by those Italian prelates who for a long time so heroically struggled to maintain it.

The separation of Church and State, sometimes regarded as solely a Protestant doctrine, has been, as Mr. Thayer points out, advocated by princes of the Church of great authority. Consider the example of Cardinal Hohenlohe, who died in 1896 in his seventy-third year, who was related by birth to the powerful nobility of Germany, and who was a Roman prelate of high position and influence. As long ago as 1889, in a letter to Leo XIII

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which Mr. Thayer rightly calls one of the most important historical documents of the times, Cardinal Hohenlohe advocated the abandonment of the attempt to maintain a Papal sovereignty as opposed to the sovereignty of Italy.

The history of the last forty years in Italy, as well as the spirit and attitude of such prelates as Cardinal Gibbons and Cardinal Hohenlohe, clearly indicates that the doctrine of ecclesiastico-political sovereignty is no longer an issue of any moment in the Catholic Church. It is by no means as live an issue in Rome as it is in Protestant England to-day. Americans, both Protestant and Catholic, may well fix their attention and interest upon the question of disestablishment in England, where Nonconformists and Catholics are taxed for the support of the Anglican Church, and the Anglican bishops, by virtue of their ecclesiastical office, exercise political authority. Discussion of this English political anachronism is much more practical and is likely to be much more useful than verbal conflicts over the theory of Papal political sovereignty—a doctrine which during the next half-century is likely to be stored away in the lumber-room of history along with the similar theocratic doctrines of the old New England Puritans.

## PRAYER AND ITS ANSWERS

Of late years what may be called the literature of informal helpfulness has been greatly enlarged; and among the latest contributions to this literature is Mr. George S. Merriam's "The Man of To-Day," a book which deals with familiar duties, the universal crises in life, habits of mind, spiritual needs, the cultivation of the religious nature; and the maxims both of prudence and of insight which Mr. Merriam lays down are enforced by a large infusion of biographic material into the volume. In a suggestive chapter on "Prayers and Their Answers" he quotes a person in great bereavement who writes, "I pray most of the time, and nothing comes of it;" a statement which reveals an attitude of mind and conception of prayer which are barren and disappointing. Mr. Beecher, with his happy faculty of familiar and pointed illustration, once said, speaking of the prayers that almost all people make for graces and strength which can come only at the end of endeavor, said: "A woman prays for patience, and, when the Lord sends her a green Irish girl, does not see that her prayer has been answered." We are all asking as gifts those things which can come only as achievements. We are expecting God to put into our hands things which our hands cannot hold until they have been strengthened by training and service.

We forget, too, that true prayer is not a continual appeal for things that we want, but a continual expression of our willingness to accept what our heavenly Father sees we need; and the two things are often worlds apart. There are no beggars at the gate of heaven. Nowhere else is the rule that what a man gets he shall work for more rigidly applied, because it is not a rule, but a part of the fundamental order of life. It is idle for a man to try to understand algebra until he has gone through an elementary arithmetic, to compose a symphony until he has learned the art of writing music, to paint a picture until he has mastered the use of colors and brushes. It is equally idle for a man to expect nobility and purity and unselfishness until he has gone through a discipline which has evolved these qualities out of him rather than brought them to him. For this reason prayer and work can never be dissevered, except in those rare cases where there is nothing to be done except to wait on the will of God, and then prayer becomes an earnest petition for quietness of spirit and willingness to be led.

Men are always praying without knowing it; they are silently asking for things and actively striving to get them. As Mr. Merriam points out, men do not get their physical sustenance by an invocation to Divine Providence; they get it by digging and planting, reaping and winnowing, grinding, mixing, and baking. This is the real prayer for bread, perhaps the most universal prayer that has ever been offered; for there never has been a time when this prayer has not been ascending from the whole human family; nor has there ever been a time when the answer to that prayer has not been growing more generous and complete. As men have learned to ask, God has given; and asking has meant a study of the soil, invention of new implements of agriculture, more intelligent methods of work. The universal prayer for bread has been made, not by beggars, but by a race willing to put itself in a position in which prayer could be answered. The chemistry of the universe is at the disposal of men who pray in this spirit; and all the forces of

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nature come to their aid and help to answer their prayer.

In like manner, as Mr. Merriam points out, a man secures the answer to his prayer for moral excellence by resolutely and definitely seeking moral goals, by making use of all moral education which comes his way; and the world is full of organized and unorganized schools for moral training. If a man is eager to be loved, and that becomes the burden of his prayer, he can secure the answer only by making himself lovable. If his soul cries out for beauty, which God has so lavishly spread over the whole face of the earth, he need not go to Sicily or Greece, or make a tour of the Mediterranean; he needs only to educate his eyes to become the companion of nature in fields and woods, to make himself familiar with good pictures, and to put himself under the influence of good music.

For the whole world is organized to answer prayer, and if one puts one's self in the spirit and submits to the teaching which the earth and society offer him through all manner of opportunities, the answer to prayer is unerring and inevitable. It is not a matter of chance; it is always the expression of the righteous will of the Infinite.

## ONLY HALF EDUCATED

Crime is said by the statistician to be increasing in the United States faster than the population. And a sad feature is the fact that crime is reported to be notably great among the young. Says Professor George Walter Fiske, in his interesting series of lectures on "Boy Life and Self-Government:"

> Our reformatories and jails are still filled with mere boys. The maximal age for malicious mischief is only fourteen; for petty larceny and assault, fifteen; for crimes against property, sixteen; while the maximum curve for fornication is at seventeen. Early and middle adolescence is still the great crime period. The shirking of the average home largely accounts for this boy waste, but the ethical failure of the public school is to a degree responsible also. It is significant that the worst year in boyhood is usually the year after leaving school.

What is the cause of this? One cause is that we are only a half-educated people. The most important factor in education is either wholly left out or attended to only by chance, and incidentally. Professor Huxley's definition of education is a classic:

> Education is the instruction of the intellect in the laws of nature, under which name I include not merely things and their forces, but men and their ways; and the fashioning of the affections and of the will into an earnest and loving desire to move in harmony with those laws. For me education means neither more nor less than this. Anything which professes to call itself education must be tried by this standard, and if it fails to stand the test I will not call it education, whatever may be the force of authority, or of numbers, upon the other side.

Instruction in the laws of things and their forces. That is science; and that is being taught with great efficiency. Instruction in the laws of men and their ways. That is the humanities —history, literature, philosophy, psychology, ethics; and that is being taught with efficiency. But what are we doing to fashion the affections and the will into an earnest and loving desire to move in harmony with these laws?

Saluting the flag does something to cultivate a spirit of human brotherhood. Reading the Bible and the Lord's Prayer, where this is permitted, does something to develop the spirit of reverence where it already exists. Self-government has been experimentally tried in some of the public schools; and it has its effect in promoting a habit of self-control and a recognition of mutual rights and duties. Some teachers recognize this fashioning of the affections and the will as part of the work of education, and do what they can by their personal influence to train these motive powers; but they have scant time even to think on these needs of their pupils, still less to cultivate personal relations with them. In parochial and private schools there is some teaching of a catechism; but *teaching* pupils the law is not the same as fashioning their affections and will into an earnest and loving spirit of obedience to law. A boy may learn the Ten Commandments perfectly and break them every one.

We may roughly divide the progress of democracy into three epochs.

In the first it was believed that if political *power* was taken from the few and given to the many, the many would be well taken care of. This was the philosophy of Jeremy Bentham, in the latter half of the eighteenth century. Leslie Stephen, in his work on "The English Utilitarians," thus describes it:

> The people will naturally choose "morally apt agents," and men who wish to be chosen will desire truly to become "morally apt," for they can only recommend themselves by showing their desire to serve the general interest. "All experience testifies to this theory," though the evidence is "too bulky" to be given. Other proof, however, may at once be rendered super-

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fluous by appealing to the "uninterrupted and more notorious experience of the United States." To that happy country he [Jeremy Bentham] often appeals indeed as a model government. In it there is no corruption, no useless expenditure, none of the evils illustrated by our "matchless Constitution."

This sounds grotesque now. "No corruption!" With the municipal rings in Boston, New York, Philadelphia, Cincinnati, Chicago, San Francisco, and smaller ones in almost every municipality in the country. With the Crédit Mobilier, the Star Routes, the tariff bargaining in Congress. With some States frankly sold to and operated by railways. "No useless expenditure!" With the Tweed Ring in municipal politics, the Harrisburg Court-House in State politics, the Pension Bill in National politics.

No! The mere distribution of political power will not secure the greatest happiness of the greatest number. It will not even protect those to whom it is given. We tried the experiment in the Reconstruction period. And thoughtful men in the South seriously question which harmed their section the more —war or reconstruction.

The second epoch in this evolution of democracy was characterized by the smiling faith that a system of universal instruction was the panacea. Give ignorant men power and they will use it ignorantly—to injure both others and themselves. Give the people intelligence with the power, and they will serve both themselves and their fellows well and wisely; well because wisely. Intelligent self-interest mated to political power will make a sane and safe democracy. Of this faith Lord Brougham was the expounder. Mr. John Morley in his life of Gladstone thus describes it:

> Brougham, a more potent force than we now realize, plunged with the energy of a Titan into a thousand projects, all taking for granted that ignorance is the disease and useful knowledge the universal healer, all of them secular, all dealing with man from the outside, none touching the imagination or the heart. March-of-mind became to many almost as wearisome a cry as wisdom-of-our-ancestors had been. According to some eager innovators, dogma and ceremony were to go, the fabrics to be turned into mechanics' institutes, the clergy to lecture on botany and statistics.

We have tried this panacea, and it does not work. Universal education is not a universal healer. The public school system grows—and so simultaneously does crime. Intelligent self-interest is no safeguard of the community, no substitute for disinterested virtue.

Humanity which is humane only when it pays is not humanity. Interpreted in the terms of the Manchester School of Economy—the doctrine that the employer should buy his labor in the cheapest market and the laborer should sell his labor in the highest market—this pseudo-humanity bound on the back of Great Britain a burden of poverty from which she is now painfully struggling to be free. Imported as the philosophy of freedom into the Colonies, it imposed on the United States a slave system, which was a greater curse to the whites than to the Negroes, because it did train the Negroes in some virtues, but the whites in none; their virtues were in spite of the system. It still imprisons our children in mines and factories, robs woman of her womanhood by putting unwomanly burdens upon her, and builds slums in every city and in many a smaller town.

The honesty which is only the best policy is no honesty at all. It only checks the cruder crimes and punishes the lesser criminals. Those that are intelligent enough generally go free.

The purity which is founded on intelligent self-interest does not keep society pure. Seeking only to avoid personal disease and dishonor, it fails to escape either and inflicts both upon the community.

Intelligent self-interest substitutes for the inherent laws of God, with the sanction of divine authority behind them, a series of prudential maxims, to be observed only when it pays to observe them; for the Ten Commandments of the Mosaic code the "Latest Decalogue" of Arthur Hugh Clough:

> "Thou shalt have one God only; who
> Would be at the expense of two?
> No graven images may be
> Worshiped, except the currency:
> Swear not at all; for, for thy curse
> Thine enemy is none the worse:
> At church on Sunday to attend
> Will serve to keep the world thy friend:
> Honor thy parents; that is, all
> From whom advancement may befall:
> Thou shalt not kill; but need'st not strive
> Officiously to keep alive:
> Do not adultery commit;
> Advantage rarely comes of it:
> Thou shalt not steal; an empty feat,
> When it's so lucrative to cheat:
> Bear not false witness; let the lie
> Have time on its own wings to fly:
> Thou shalt not covet; but tradition
> Approves all forms of competition."

Democracy is just entering upon the third stage of its development. It is just beginning to perceive the truth of Professor

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Huxley's definition, that education includes the fashioning of the affections and of the will into an earnest and loving obedience to the divine laws. Taught by experience, it is beginning to learn that "the engagement of the affections in favor of that particular conduct which we call good" is "something quite beyond mere science;" and that "no human being, and no society composed of human beings, ever did, or ever will, come to much unless their conduct was governed and guided by the love of some ethical ideal." It is beginning to perceive that this love of an ethical ideal, this fashioning of the affections and of the will into a spirit of loving and earnest obedience, is absolutely essential to good citizenship in a free State, and that whatever is essential to good citizenship in a free State it is the right and duty of the State to provide. It is beginning to see that this work of training the motive powers cannot be left to the Sunday-schools, because, even if they were far more efficient than they now are, they could not do this work adequately with the untrained teachers on which they must rely, and in the one hour a week which is all they have; and that it cannot be relegated to the family, because untrained parents cannot train their children any more than ignorant parents can teach their children; and many parents are untrained.

America has, amid all the problems that are forcing themselves upon her attention, none more serious than this:

How shall a free State, without an established Church or a State religion, fashion the affections and the will into an earnest and loving desire to move in harmony with the divine laws of the personal life and the social order?

# RUSSIA AND AMERICA

## A POLL OF THE PRESS

WHAT are the facts of the difficulty between Russia and America regarding the passport question? We have a treaty concluded in 1832 with the Russian Emperor granting to American citizens in Russia the same privileges accorded to Russian citizens in America—that is to say, equality of treatment.

> There shall be between the territories of the high contracting parties a reciprocal liberty of commerce and navigation. The inhabitants of their respective States shall mutually have liberty to enter the ports, places, and rivers of the territories of each party, wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all parts whatsoever of said territories, in order to attend to their affairs, and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

But what are the actual facts? The New York "American" (Ind.) thus explains them:

> While we permit Russia to throw out as she pleases passports carried by American citizens of a religious faith [Jewish and other] distasteful to her, we politely recognize every passport that Russia sends and give full welcome to citizens bringing with them the Russian religious belief, in spite of the fact that that belief, involving religious control of government and its citizens, is absolutely repugnant to American institutions and American doctrines.

No wonder, then, that the "American Hebrew" (Ind.) fulminates as follows:

> The offended dignity of the United States, the humiliation to which successive Administrations have been put by the lying diplomacy and subterfuges of the Russian Government, demand that this be done [the treaty be denounced]. The Jews of the United States demand it, not as Jews, but as American citizens. They demand it, not as Democrats or Republicans, but as citizens, denied fundamental rights which the Constitution of the United States has bestowed upon them.

The semi-official St. Petersburg "Rossiya," however, makes a statement that will surprise some, namely, that only Jews emigrating through the agency of the Jewish Colonization Society are permanently excluded, and that "of the eleven American Jews who applied for a *visé* during 1910, only three were rejected."

Why not submit the meaning of the treaty to arbitration? That is what Mr. Roosevelt has suggested. His idea, expressed in an editorial in The Outlook, for a submission of the treaty to the permanent International Court of Arbitration at The Hague for interpretation, has been espoused by certain well-known papers—the Springfield "Republican" (Ind.), for instance, the Chicago "Record-Herald" (Ind.), the New Orleans "Times-Democrat" (Dem.), the Salt Lake

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City "Tribune" (Ind.), and the San Francisco "Chronicle" (Rep.).

On the other hand, certain other well-known journals declare that there is nothing to arbitrate. The New York "Times" is of this opinion; it says that the question is not justiciable, and adds that our honor as a sovereign nation would not permit us to accept and abide by an adverse finding by the Tribunal. But the "Times" seems to confuse arbitrating the treatment of American citizens in Russia, which no one advocates, with arbitrating a perfectly arbitrable subject—the meaning of the treaty. The St. Louis "Globe-Democrat" (Dem.) also comments in the same spirit.

The treaty has now been formally denounced by President Taft and the notification delivered to the Russian Foreign Office. Agreeably with the provision within the treaty for its abrogation, it will terminate on January 1, 1913. The rude resolution proposed by Congressman Sulzer was not accepted by the Administration. As the Springfield "Republican" (Ind.) says:

President Taft's insistence upon a modified resolution of treaty abrogation rescues the country from a situation that might easily have caused trouble with Russia. If the job is to be done, it should be done with as little friction as possible, and this seems assured by Mr. Taft's attitude. The Administration's hand has been forced, obviously, by the sentiment worked up in Congress, for it was well known that a satisfactory settlement by diplomatic methods had not been despaired of in Cabinet circles. Up to last Friday, the President hoped that Congress would leave the matter in his hands for a while longer. When it appeared that Congress would act, he took the initiative by notifying Russia that the treaty of 1832 would be terminated, and upon this course the Government has now definitely placed itself. The best that can happen hereafter in bringing about the negotiation of a new treaty satisfactory to our Jewish citizens must come through the efforts of the Executive. Abrogating the old treaty solves no difficulties whatever, and for a time it may increase what difficulties there are.

In addition to abrogating the treaty other methods of showing our indignation to Russia have been suggested; for instance, the policy of canceling the *exequatur* of any Russian consul who declines to approve a passport for an American citizen. The effect of this action, says the Buffalo "Express" (Rep.), would be as follows:

It would not have to be done more than two or three times before the Czar's Foreign Office would begin to stir itself and ask what is the matter. That would force negotiations of some kind without directly interfering in any way with the trade which Americans now enjoy in Russia. . . . Anyhow, it would become impossible to put us off any longer with a promise of investigation, . . . as Russia has been doing for the last forty years.

Another method of dealing with the situation in addition to abrogating the treaty of 1832 would be also to abrogate the extradition treaty of 1887 between the United States and Russia, which, says the Minneapolis "Journal" (Ind. Rep.), is "far more advantageous for Russia than for us, since it enables the Czar to pursue and apprehend fugitives whose real offenses are political whenever non-political crimes can be successfully alleged against them. Moreover," adds the "Journal," "the Russian police-spy system would be greatly handicapped were this country to become an inviolable asylum for Russian fugitives by the abrogation of the convention"—the treaty.

Of course, certain resentment and even reprisals in Russia must be expected. That well-informed and well-balanced recorder of current events, the Paris "Temps," says that our abrogation of the treaty, followed, as now seems certain, by fiscal reprisals in Russia, will constitute the first event seriously to compromise the generally good relations established by President Roosevelt's action in the circumstances attendant upon the Treaty of Portsmouth. The "Temps" praises President Taft's skillful handling of the question, but thinks the negotiations for a new treaty will prove to be difficult, as electioneering interests here will compel insistence on the revision of the passport regulations, while Russia will refuse to submit to foreign interference in her internal affairs.

Many Russian newspapers insist that the President unearthed the treaty as a weapon for our opposition to Russia purely for our home political purposes. To strengthen that idea Russian papers are recounting certain episodes of our Presidential campaigns. Particular attention is paid to certain American Hebrews. Mr. Schiff is painted so that he seems like an ogre to Russian orthodoxy, while the papers insinuate that the treaty abrogation was chiefly due to pressure brought to bear by such firms as Kuhn, Loeb & Co. and the Guggenheims.

What is the prospect in Russia, according to the best Russian observers? One of them is Professor Paul Miliukov, leader of the Constitutional Democrats in the Duma, the lower house of the Russian Parliament. Cabling to the New York "World," Professor

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Miliukov calls attention to certain perils in the situation over there:

I am glad Mr. Taft did not allow the Sulzer resolution to become operative. Its passage would have created feeling here of an American National collision with Russia, whereas Mr. Taft's step in observing the proviso within the treaty for its abrogation has kept an important and delicate affair on the rails of diplomacy. The danger of the future is that the issue is now left wide open, and if partisans agitate the matter it would then react unfavorably on the movement for Jewish equality within Russia. Certainly Americans are free to conduct the campaign as they like, but the agitation against the present situation will not help their friends here. The fact is there is no personal director of the policy on this side, but a powerful and widespread combination. The national policy champions are high office-holders throughout Russia who are strong by the force of the people's inertia. They resist an opening of the Jewish question as they resist any essential change.

The form which the Russian reprisals may take is indicated by a bill just introduced by the leaders of the Octobrist and Nationalist parties, which form a majority of the Duma. The bill would impose one hundred per cent additional tariff on dutiable imports from the United States and one hundred per cent *ad valorem* tax upon goods that hitherto have enjoyed free entry. The bill would become operative on December 18, 1912. In addition, the proposed measure would double the gross weight tax, established by the law of 1901, on merchandise brought into Russian ports, and would also impose a double tonnage tax. The Russians suggested all this, we suppose, without knowing that Americans, to quote the New York "Sun" (Ind.), "will never swap the rights of any American citizen for commercial privileges." The Nationalists have also introduced a bill providing that all American Jews shall be excluded from Russian territory and classifying them with "Jesuit preachers and foreign gypsies." This, the New York "Evening Post" (Ind.) says, "would be worse than the insulting treatment which the Russian Government protested against in the Sulzer resolution." Of course these bills could not take effect before a year hence because of the continuance until that time of the present treaty with its favored nation clause. We note that the "Rech" advises the Government not to follow the counsel of "the Nationalistic thunderers."

The Russian Government's position is thus outlined in an interview by its Minister of Foreign Affairs:

Russia can by no means grant privileges with regard to passports to those Jewish elements that emigrate to America as preachers of revolutionary ideas during Russian political disorders, and have meanwhile acquired the rights of citizenship in the United States.

This raises again the difference between the views of the United States regarding naturalized citizens and the views of the European countries from which those naturalized citizens have come. As the New York "Journal of Commerce" (Ind.) says:

There is hardly a nation in the world with which the United States has not had difficulties on that score, and, in spite of the naturalization treaties concluded during the last forty years with European powers, of which Russia is not one, the European view of the subject differs so fundamentally from our own as to leave the door still open for misunderstanding. . . . There being no naturalization treaty between the United States and Russia, the respective rights of the citizens of the two countries rest on international law and comity, except in so far as they have been defined in the treaty of 1832, which was primarily a treaty of commerce and navigation.

As an indication of Russia's preparation for the framing of a new treaty we have a paragraph from the President's recent Message to Congress:

I believe that the Government of Russia is addressing itself seriously to the need of changing the present practice under the treaty, and that sufficient progress has been made to warrant the continuance of those conferences in the hope that there may soon be removed any justification of the complaints of treaty violation now prevalent in this country.

To this end, as the Boston "Transcript" adds,

Fortunately we are represented at St. Petersburg now by an Ambassador [Mr. Curtis Guild] whose Americanism is beyond question and whose prestige gives him power in efforts to bring Russian statesmen to apply the rule of enlightenment to their relations with the United States.

## A CORRECTION

Many readers will already have noticed an error in the article written by Professor Edward R. A. Seligman and published in The Outlook of December 30 last under the title "Everybody's Money." By this error the author was made to say: "The elasticity which is lacking in the present system is secured by the provision that any notes of the reserve association in circulation in excess of nine hundred million dollars which are not covered by an equal amount of lawful money held by it shall be taxed at the rate of one and one-half per cent for the excess up to twelve millions, and five per cent for the excess over twelve millions." In the last two clauses, instead of "twelve millions" read "twelve hundred millions."—THE EDITORS.

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# WILLIAM J. BRYAN

ON THE

# POLITICAL SITUATION

AN AUTHORIZED INTERVIEW BY C. M. HARGER FOR THE OUTLOOK

This is the fourth of a group of articles in which political leaders of both parties, through the form of authorized interviews with representatives of The Outlook, present their views on the important political issues and public questions of the day. President Taft's own view of his Administration will be found in The Outlook of December 2, 1911. Woodrow Wilson's views were set forth in The Outlook of August 26. Oscar W. Underwood's statement appeared in The Outlook of September 23. Senator La Follette and Governor Harmon will present their views on National questions in early issues of The Outlook. Governor Johnson, of California, and Senator Bristow, of Kansas, will be represented in a similar way.

"PROTECTION of the people from exploitation at the hands of predatory corporations."

Summed up in a dozen words, that is William Jennings Bryan's idea of the Nation's greatest need, the nucleus of his political philosophy, as he expressed it a few days ago. We had talked of current happenings and had come to discussion of larger things.

To locate Mr. Bryan and to secure his undisturbed attention for an hour is a task much resembling searching for the proverbial needle in a haystack. His evenings, and many afternoons, are filled with addresses before conventions, lyceums, congresses, Chautauqua and banquet gatherings. He inhabits Pullman cars between times. His family sees him only at intervals. More in demand than any other speaker in America, from Penobscot to Phœnix, from Seattle to Miami, he travels and lectures. Sixteen years of publicity have not diminished the public's enjoyment of his oratory nor lessened its interest in his views.

Suppose you plan to meet him as he arrives on an early morning train. He is not to speak until afternoon, but the inevitable committee is at the station, seizing him as he leaves the car. A formal breakfast, a motor ride, a conference with local Democratic leaders, a university club luncheon—and the day is gone. Not that he is difficult to approach; his inherent good nature and good will are as smilingly apparent to-day as when he first became a National character—a rare thing among public men.

On the train, as he hurries to another reception, it is the same. Every man on the Pullman stops for a hand-shake.

"I was on the committee when you spoke in Keokuk in 1896."

"Yes, I have been there twice since," is the quick reply.

"My brother introduced you when you spoke at Indianapolis last summer," breaks in another.

"I have heard you twice and voted for you three times—glad to meet you personally at last," comes a third.

And so it goes, day in, day out—all the time the urbane, courteous Bryan, extending friendly greetings, often with apt anecdote or reminiscence.

At last curiosity and interest are satisfied and the passengers return to their magazines and newspapers.

"If any person in this country is thoroughly in touch with all sections and all classes, it is yourself," I suggested.

Mr. Bryan settled back on the seat and gazed at the flying landscape.

"And we all are unconsciously asking ourselves, What is the greatest problem of the Nation to-day? What do you consider it?"

He did not reply for a moment. Then, in crisp, clear-cut expression: "Protection of the people from exploitation at the hands of predatory corporations."

"That is rather general," I commented. "The average man does not see just where it touches him."

"It does touch the average man. It affects the entire public in three ways: through the tariff, the trusts, and the railway question. High tariff lays a burden on the masses of the people for the benefit of protected industries. Through high tariff rates



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enormous sums are extracted from the pockets of the producers of wealth and turned over to the beneficiaries of the protective system. The trust question is a natural outgrowth of the tariff. Corporations combine and take advantage of the protection given by high tariff laws. The advocates of protection used to argue that competition at home would protect the public from extortion, even though import duties were high."

"But many tariff schedules were not used," I interrupted.

"It is not a sufficient answer to say that tariff rates not used are not needed; they are an invitation to combinations in the restraint of trade. The trust question has therefore aggravated the tariff question and made it more acute by increasing the burden imposed by high duties. The matter of the railways is independent of the other two, but the men at the head of our railway corporations are largely interested in trusts and protected industries. In fact, the tariff question is largely a question of railway rates. The same group of financiers is found back of every evil in our National economics that demands a remedy. And that is why it is so difficult to accomplish anything in the way of reform. When you touch one evil you touch all, and those who reap the profit from these evils are united against any and all remedial legislation."

"But," with a reminder that financial operations naturally unite many interests, "are they doing any differently to-day from what they have through all the history of our wonderful development?"

"They are. Just now they are planning a new method of overreaching the public. Big financiers are back of the Aldrich currency scheme. If they succeed in getting that, I do not know of anything more that they can ask. They will then be in complete control of everything through the control of our National finances."

"What would you do—legislate without reference to the immediate effect on the business of the country? Is not the present condition evidence of a conflict between politics and business?"

Mr. Bryan did not hesitate. "Well," he replied, "possibly two kinds of business may be affected by the fear of hostile legislation—business that rests on favors and business that rests on practices we should prohibit. Industries that enjoy high tariff may be nervous because of prospective reduction, and trusts may be uneasy because of a prospect of anti-trust legislation. I do not know to what extent fear on the part of those two lines of business may be responsible for the dullness in trade charged by our industrial oracles, but the people should not be denied relief merely because remedial legislation will necessitate some readjustment. Surely those who profit by injustice are not in a position to make such a plea.

"I do not know," he added, "of any natural cause for hard times, or even for a period of waiting trade and uneasiness concerning the future. Prices have been rising throughout the world. Crops have been good. Reasons that ordinarily account for business depression do not account for whatever dullness may be observed at present. There are artificial as well as natural causes for panics. The control of the money of commerce is now so concentrated that a few big men may bring pressure to bear on our entire business community. I am satisfied that this pressure was employed in 1893 to coerce Congress into repealing the purchasing clause of the Sherman Law. Possibly it is employed now to frighten the country into an acceptance of the Aldrich currency scheme."

"But, Mr. Bryan, is it not generally conceded that our banking system is inadequate to our needs and that we should make some improvement that would fit it to our business conditions?"

"That may be true, but the Aldrich plan is not an improvement. I am satisfied from observing the conduct of financiers that the Aldrich scheme is not intended to help people generally, but is a plan whose sole object is to give big financiers more complete control of the business situation. I believe that protection to depositors will do much more to prevent a panic than any currency scheme."

Mr. Bryan was an early advocate of the guarantee of bank deposits. The Oklahoma plan is largely his idea. Yet Oklahoma has levied over three-quarters of a million dollars in paying depositors in failed banks since its guarantee law was put in operation. I recalled this, and added, "You favor this despite Oklahoma's rather stormy experience?"

"Oklahoma's experience has not been stormy," declared Mr. Bryan, straightening up to defend his favorite theory. "You must remember that the public hears a great deal more through the press and the financial papers of instances where the bankers lose than they do where the depositors lose. While I think the Oklahoma scheme, which is being tried in substance by Texas, Kansas, and Nebraska, is

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amenable to improvement and will be fitted eventually more completely to the needs of our banking system, the question is not whether Oklahoma's law may have imperfections; the question is, Shall the bankers be compelled to protect their depositors, or be permitted to make big profits in good times and throw the burden on the depositors in times of depression? It is a queer kind of business integrity that leads a banker to feel indifferent to the interests of those whose deposits make him rich. You would suppose that he would be interested enough in protecting his depositors to devise some scheme that would insure them against loss; but so far his business energy has been largely employed in denouncing any man who even suggests that depositors have rights."

"Then you think that we are not going far enough in Governmental control of corporations, and the Government ought to manage every sort of corporation enterprise? Where would that lead us?"

"I wish you would draw a clear distinction between National incorporation favored by the trusts and the Federal license proposed by the Democratic platform," insisted Mr. Bryan. "National incorporation is desired as a means of escaping State control. The Democrats oppose this vigorously, and, so far as is known, unanimously. The Federal license plan as proposed by the Democratic platform is entirely different in purpose and operation. It does not surrender any of the rights of the State, but adds a Federal remedy to existing State remedies."

"But our Supreme Court objects only to 'unreasonable' restraint of trade, and no one should find fault with that."

"Suppose it does. At present no corporation official can tell with certainty whether or not he is violating the Anti-Trust Law. Since the Supreme Court has introduced into the law the word 'unreasonable' its enforcement is made practically impossible. Who can tell without legal or judicial definition whether or not he is exercising 'unreasonable' restraint of trade? I believe that Congress should at once declare by specific legislation that any attempt at restraint of trade should be considered unreasonable. Such a law would repair the damage that the Supreme Court decision has done to the Anti-Trust Law."

"Would that settle it?"

"Not of itself. We need something more. We need a specific definition, so that the business man may know when he violates the law. The Democratic plan is a license for corporations which control twenty-five per cent of a total product. This would leave unmolested nearly all corporations engaged in legitimate business. Only a few—probably not more than three or four hundred in the entire country—would have to take out a license. These licensed corporations would be supervised by Federal authority and prevented from employing business methods usually employed by the trusts. It is suggested that a maximum of fifty per cent be made—that is, that no corporation should be permitted to control more than half of the total product. This would leave the remaining fifty per cent to be controlled by one or more corporations, thus establishing competition."

"Are these percentages a matter of faith, a matter of doctrine, or of suggestion?" I remembered Mr. Bryan's tendency to make positive declarations, and it was interesting to see that he was willing to modify the statement.

"The percentages are not so important as the principle," said he. "We might commence with high or low percentages and change later as experience suggests; but as the power of monopoly depends on the percentage of control, the percentage would seem to be the thing to be considered. Legislation based merely on the size of the corporation would not reach the desired end, for a corporation with a capital of only $10,000,000 might absolutely control one product, while a corporation of $100,000,000 capital might not be able to control another."

Probably no one political feature is so much discussed the country over as the possible alliance in the next campaign of the Progressive Republicans and the Democrats. I was curious to see how Mr. Bryan looked at the proposition.

"We hear a great deal about Progressive Republicans; is there such a thing as a Progressive Democrat?" I began.

"It is hardly fair to compel a Progressive Democrat to designate himself by an adjective," was the reply, with a firmness that indicated his own position. "The Democratic party itself is progressive. The Democrat who is not progressive is a reactionary. It is different with the Republican party; it is a stand-pat organization. The Republican who rebels against the do-nothing policy of his party properly calls himself 'Progressive' or 'Insurgent.'"

"Is there any difference between the Pro-

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gressive Democrat and the Progressive Republican?" This seemed to be the real point of the matter.

"The main difference is on the tariff, and there it is more theoretical than real. The Progressive Republican calls himself a protectionist, but he is more likely to be with the Democrats than with the Republicans on any given tariff schedule. Progressives, both Republicans and Democrats, agree on the fundamental proposition that the Government should be administered in the interest of the whole people and not in the interest of the exploiting class. The stand-pat Republican, if we can judge him by his vote, believes that society is constructed from the top, and that the captains of industry should be allowed to enrich themselves by law and then distribute among their dependents such part of their wealth as they can spare. It is aristocracy, permeated with plutocracy and glossed over by hypocrisy." His features told how satisfied he was with the sentence.

"Do you expect the Progressive Republicans and the radical wing of Democracy to work together in the campaign of 1912? Many politicians would like to know just what is to be done."

"Progressive Republicans and Progressive Democrats can work together better in legislative bodies than they can in campaigns. Our campaigns are fought necessarily on party lines, and it is difficult for a vast majority of the American voters to forget their instinctive adherence to their party organizations."

"It is a general impression that Democracy is becoming somewhat divided itself. Does it propose to present a more united front than the Republicans when the next campaign opens?"

"The Democratic party, like every other, has its conservative and radical elements." Mr. Bryan was very careful of his words. "Conservatism and radicalism are relative terms. You will find these two elements in every group of any size, and no matter what subject is considered. In the Democratic party the radical element far outnumbers the conservative, but the latter controls nearly all the large newspapers and includes in its numbers most of the Democrats who are engaged in large business enterprises. In the Republican party the conservative element is relatively much stronger than in the Democratic, not only because the large majority of men in 'big business' are Republicans, but also because individual Republicans are not so well informed on progressive measures as individual Democrats. Ignorance is the chief ally of conservatism; that is, the radicals can only count on those who are convinced by investigation. Those who do not know anything about the subject naturally oppose a change."

"Yes; but what I want to know is, which element is going to control Democracy in 1912?"

"In each of the last four campaigns there has been a clear-cut conflict between these two elements of Democracy. The radicals won in 1896, 1900, and 1908. The conservatives won in 1904. I think that the radicals will win this year, though it is too early to speak with certainty."

"What about their leaders?"

Again Mr. Bryan weighed his words cautiously. "Governor Harmon will doubtless have the support of the reactionary or conservative element. The Progressive Democrats are divided among several candidates. I hope, however, that they will be able to agree in each State upon the Progressive who is strongest in that State, and thus prevent a united minority from triumphing over a divided majority. That is the chief task before the Progressive Democrats in the next few months, and I have confidence enough in their wisdom and earnestness to believe that they will get together."

I noticed that he avoided reference to Wilson or Clark. With some curiosity to see how he would take it, I suggested, "They might get together on you."

"In addition to many other reasons why I should not run again for President," said Mr. Bryan, jokingly, a smile lighting up his broad face, "is that, one Republican President having used portions of my platform and another Republican President having used it in part, I am afraid, if I became a candidate again, the Republicans would bring the third-term charge against me and say that I had had two terms already."

"Another thing that puzzles the average man is this: What chance have the Progressive Republicans of controlling their party?"

Mr. Bryan did not hold out much encouragement to the Insurgent Republicans. "It will be much harder for the Progressive Republicans to control the Republican Convention than for the Progressive Democrats to control their Convention," said he, "for the reasons I have stated. However, I would not want to risk a prediction, for two reasons:

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another term of Congress will have an important influence in determining the relative strength of the Progressive and Stand-Pat Republicans; second, the Progressives have but few large papers to herald their principles, and therefore their voting strength may be underestimated.

"Something depends, too," he added, after a pause, "on the attitude of Mr. Roosevelt. If he throws his influence to the Progressives, he can greatly increase their chances of success. If he goes with the Stand-Patters, the Progressives will have a harder fight to make a showing."

"Suppose he keeps still?"

"That he would find difficult to do. He is not disposed to avoid a fight." He added a story of an Irishwoman on the witness-stand, who, asked what nationality her people sprang from, replied: "They didn't spring from anybody, they sprung at 'em!" leaving me to make my own application.

"There are those who think reciprocity will come back to haunt the next campaign. That will have a great influence on the Western farmer vote."

"Reciprocity is not likely to be resuscitated until Canada asks for it," he replied, positively. "The hostile feeling aroused across the line is likely to prevent for years any further consideration of reciprocal relations."

"Will the recall of judges as a political principle be influential in 1912?"

"I am in favor of the recall, but it is not a National issue, and not an issue at all in many States. It would not even be a subject of National discussion except for Mr. Taft's veto of that feature of the Arizona Constitution. So with the initiative and referendum; they are not National issues, though more States are considering this phase of popular government than are taking interest in the recall. The direct primary is also a State issue, and, while I favor it, I realize that there is much yet to be done in perfecting its details."

"Well, then, what about Conservation? Is it a State or a National issue?"

"Conservation is not likely to be an issue between State and Nation except where predatory interests attempt to use one or the other against the interests of both State and Nation."

"Surely the railway question is of National interest." I began to see various planks of the National platform eliminated. "What phase of it do you consider of most importance?"

"Just now the most important question is whether the railways shall control the appointments of the Inter-State Commerce Commission and United States judges. That is the basic problem which directly concerns the ultimate relation between the railways and the people."

"But can the railways control these officials?"

"Yes, they can—by controlling the President; and to this end the railway interests are concentrating every possible power they possess. There are some other questions likely to come up soon which are of direct interest to the people. One is whether the railways shall be permitted to charge a higher price for an inter-State ticket than for an intra-State ticket covering similar distance. Some do it now, but they ought not. The relation between the express companies and the railways demands attention. Railway officials have been profiting by their connection with the express companies that use their roads. There are many questions to arise regarding rates and regulations, but the most important thing is that Inter-State Commerce Commissioners and Federal judges shall not be under obligations to the railways for their appointment."

Mr. Bryan has been taking a hand in several State campaigns on prohibition. I wondered if he intended it to be carried to a wider field. "Is the liquor question likely to cut a figure in the campaign?" I asked. He did not seem hopeful, and there was manifest in his expression some discouragement on the problem in its National relation.

"Two phases of the liquor question may come before Congress, but the liquor lobby is so powerful that I do not know how soon public sentiment may be able to control Congressional action. The effort to prevent the issuing of Federal licenses in 'dry' territory is one of these. The same end, however, might be reached by requiring applicants for Federal licenses to advertise the fact of their applications, and serve notice of same on the authorities. An effort is being made, also, to prevent the use of inter-State commerce for the violation of State laws on the liquor question. It seems to me that a State which can be trusted to decide questions of property, questions relating to domestic relations, and questions involving the life of individuals, ought to be able to deal with the liquor question. But some who are quite tenacious of State rights on all other subjects are silent

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in the presence of the liquor lobby." It was with a sharp emphasis—this last sentence.

"Are you an optimist or a pessimist?" I asked. "Sometimes I think you the one, and sometimes I think you somewhat disposed to the other. You see so many faults in our Government that it is a little discouraging."

"I am an optimist, but I believe that nothing good comes without a fight; and no man ought to expect others to be more courageous than himself, or more willing to assist every righteous cause."

"Again you are somewhat general, rather than specific," I replied. "What is needed most, from your point of view, toward bettering social and economic conditions?"

"A greater appreciation of the dignity of labor. To-day the struggle of mankind is to avoid work, to put it upon others; and, as Tolstoy has said, we no sooner shift the burden of labor upon others than we begin to look down upon them. A lack of sympathy with our fellow-men is the cause of most of human injustice and misery."

The schools, too, came in for some comment as he added: "I sometimes think that our educational system is at fault in separating our intellectual progress from our moral advancement. Too often education is sought to enable one to avoid hard work. When this becomes the prevalent idea, education ceases to become a blessing and becomes a curse. The most important thought that can be lodged in each child's mind is that education is to enlarge one's capacity for work, and not to relieve him from the necessity of it."

"About the most toil-demanding place is the farm. You evidently believe in the back-to-the-farm movement."

"Decidedly. In the cities men accept positions giving small pay because they are enabled to dress more stylishly and keep their hands clean. They consider this the badge of respectability, and they prefer it to greater pay for manual labor. It is not only labor they avoid, but the physical and often moral development which goes with it. The farm, toil and all, gives the greatest opportunity which is left to us for the development of independence and character and strength. I believe that we shall only do our full duty to ourselves, our countrymen, and posterity when we emphasize the fact that it is the idler, not the toiler, who is a disgrace. In disseminating this idea there is work for us all."

Mr. Bryan is positive in his estimate of politicians, but when he talked of various leaders of both parties it was with an understanding that he was not to be quoted.

It was characteristic of Mr. Bryan's temperament that he exerted himself to be in Lincoln on the day that President Taft visited that city. He proposed a toast to the President at the luncheon in his honor, in which he paid a courteous tribute to the man who had defeated him. "I ask you," said he, "to rise, fill your glasses with the beverage upon which the Almighty has set his approval, and drink to the health of President Taft, and may God give him wisdom to discharge aright the onerous duties imposed upon him!"

It must have been pleasing to the speaker that a little later in the day Mr. Taft, making an appeal for the support of arbitration treaties with France and Great Britain, gave him credit for making one of the most important suggestions incorporated in the pacts. He said he first heard from Mr. Bryan the scheme of appointing a commission to make a preliminary investigation prior to the actual submission of the question to a board of arbitration, with the further proviso that this investigation should continue for a year, thus giving both nations time to calm down before the final issue was reached. So it was typical of the attitude of Western people toward the Democratic leader that this reference was greeted with cheers.

Mr. Bryan, in discussing National politics, fits every phase to his own theory of government, which he has worked out satisfactorily in his mind, and which, in his view, accounts for all conditions. He is as sure of his position to-day as he was in 1896. The public always likes that sort of public man—though he may not secure a majority of the votes. That Mr. Bryan will be a most influential factor in the coming campaign is evident, as it is that he will use his utmost power to shape his party's policy and nomination in accordance with his views of Democracy. With the activities of a National campaign added to present demands upon his time, it means a year with few resting-places.

But he is used to it.

The belated train arrived at 9:15 P.M. He hurried to an automobile, was driven a mile to an audience of ten thousand that had waited an hour and a half for him, and applauded him to the echo through a sixty-minute talk. Then back to the station and aboard another Pullman for a lecture two hundred miles away.

These are busy days for Bryan.

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# WHAT'S THE MATTER WITH BUSINESS?

## THE VIEWS OF

## LESLIE M. SHAW

FORMER SECRETARY OF THE TREASURY OF THE UNITED STATES

THE SECOND OF A SERIES OF ARTICLES PREPARED BY FRANCIS E. LEUPP IN WHICH ARE PRESENTED THE CONSTRUCTIVE VIEWS ON PRESENT BUSINESS CONDITIONS OF MEN WHO STAND HIGH IN THE WORLD OF FINANCE AND INDUSTRY

SEVERAL years ago, when Leslie M. Shaw, of Iowa, was Secretary of the Treasury, I asked him one day what he purposed doing to outwit some sharp practitioners who were preparing to make trouble for him in handling the National finances. The Secretary was bent over his desk writing a letter. He suspended his pen, glanced up sidewise without raising his head, and resumed his work as soon as he had seen who it was who had put the question. Then, pausing momentarily between sentences as he wrote, he jerked out a word or two at a time, somewhat in this fashion:

"In Iowa—once—a man—went out—to hunt foxes."

Here he halted till he had run over the last written page with his eye, and then went on in the same way:

"He took—along—a brass band."

Another pause, longer than its predecessor, enabled the writer not only to scan the next page, but to make a correction or two. When that had been finished to his satisfaction, he plunged into writing another, in the course of which, the corners of his mouth twitching slightly meanwhile, he jerked out successive fragments of his conclusion:

"He—didn't—get—any—foxes!"

That was Mr. Shaw's way of reminding me that when he was trying to smoke out a nest of clever scamps he was not disposed to advertise his plans. It was characteristic of the man that he should not flatly refuse to answer my question, or even advise my sticking to my own business and leaving his to him, but give a quaint switch to the conversation which would answer every purpose, yet preserve my good humor and give me a morsel of homely philosophy to chew on at my leisure. When, therefore, he criticises others for needless bluntness in their method of stating a public issue, no one can successfully turn his shafts against himself.

Mr. Shaw is a Vermonter who in his youth went West to grow up with the country. While practicing law in Iowa it occurred to him that, if he could induce the well-to-do people he had left behind to invest their surplus cash where it would do some good to the struggling farmers among whom he had settled, he could benefit both sides. Accordingly, he built up a mortgage and loan business which prospered thriftily, increased his acquaintance and popularity throughout Iowa, and doubtless helped much in making him Governor. Then came the free-silver coinage epidemic. Iowa lay in the very heart of the infected region. Without a moment's hesitancy, Governor Shaw descended from the executive chair, and, taking his political fate in his hand, stumped his adopted State from one end to the other, making an uncompromising fight for the salvation of the public credit. His old farmer friends flocked to hear him; and his campaign for the honest dollar not only succeeded but attracted Nation-wide attention. President Roosevelt made him Secretary of the Treasury. After his retirement from that office he became President of the First Mortgage Guarantee and Trust Company of Philadelphia; and it was in his working-room there that I descended upon him last autumn when his turn came to be put upon The Outlook's witness-stand. This time, as I had given him a little warning and the subject was one of immediate public concern, he did not take refuge in a fox story.



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I found him unchanged in appearance or manner by the years that had passed since we last met. His shrewd gray eyes had their old trick of boring holes through mine. On his face the familiar half-smile still came and went as he followed epigram with epigram, each uttered with marked deliberateness, as if it so tickled his own palate that he almost hated to share it with me. His pauses between sentences, designed to give his auditor time to enjoy one fully before bringing out the next, greatly heighten the effect of any argument he is making. The readers of these pages will have to hear him through my ears; but when they have gone far enough into Mr. Shaw's interview to fall into the "swing" of it, whether they agree with all his views or not, they will understand what it is that has made him such a power as a campaigner.

"Governor," said I—everybody calls him "Governor," as if the office had been conferred on him in perpetuity—"tell me what's the matter with business."

"What is the matter with business?" he echoed. "If you mean what natural conditions have gone wrong, I answer none. Seldom, if ever, has there been a year when, so far as material elements are concerned, everything pointed to greater prosperity. Healthy business, however, depends quite as much on sentiment as on material things. Confidence is the motive power which makes material things combine and recombine for profitable production.

"What, then, has paralyzed the activity for which we have a right to look? A number of causes co-operating; but the most powerful of all, I think, is our popular mania for more laws. We read that the children of Israel got into difficulty from worshiping a golden calf while Moses was in the mountain getting the moral law. In recent years the American people have become well-nigh idolaters of statute law while paying none too much attention to the underlying principles of right and wrong. The incessant cry is for more *laws* as distinguished from more *law*. We are fast making politics an industry. If this continues, will not material industries languish? Men who have heretofore started new ventures, promoted railways, launched big enterprises of any sort, are standing in hesitating attitude while the Legislatures of forty-seven States and the Congress of the United States are grinding out more laws, and then more laws. Think of it! thirty thousand bills introduced at one session of Congress, and two hundred new laws passed and approved. At that rate we will have in ten years two thousand more laws than we have now. A very large number of these laws were avowedly to prevent the accumulation of wealth. As I remember, Governor Hughes refused to sign something like five hundred enactments which passed the Legislature of New York, signed two hundred and odd, and urged the passage of more than one hundred others which the Legislature refused."

"As far as Congress is concerned," I suggested, "is not the increased legislative fertility largely due to the almost transformed personnel of that body?"

"Yes," said the Governor, "you are right. A few years have made great changes at Washington. During the depression of the '90's the Republican side of the Senate contained Wolcott, Thurston, Carter, Davis, Allison, Cullom, Spooner, McMillan, Burrows, Hanna, Foraker, Elkins, Platt of New York, Platt of Connecticut, Hoar, Aldrich, Proctor, Hale, Frye. These men, believing in something definable and defensible, and being united in general policy and purpose, afforded a wonderful rallying point of conservatism. They are all dead or retired save one. The Democratic party has also suffered. Vest, Cockrell, Morgan, Pettus, McEnery, Gray, Daniel, and Gorman are no longer in public life, and all but two are dead.

"Until very recent years there had been found scarcely one man in all the Nation to speak otherwise than in praise of the wisdom of the fathers expressed in our form of representative as distinguished from popular government. To-day there is scarcely a new member of the United States Senate who does not advocate from one to six amendments to the Constitution. Even the law of gravitation does not work well in every instance; yet the all-wise Lawmaker lets it stand. If it were known that an amendment was under consideration, intended to prevent dams from giving way and floods from overwhelming people, would it not affect business? There is scarcely a Constitutional provision on which this Government rests as certainly as creation rests on the law of gravitation that is not made the subject of assault and proposed amendment. If persisted in, will not this affect business?"

"Has the tariff question, in your judgment, anything to do with the present situation?"

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"Very much. Personally, I am a firm believer in the old Republican policy of protection, yet I believe we should have been a prosperous people even under a continued policy of free trade. Wages, of course, would have remained practically the same as wages elsewhere. The only thing we cannot stand is a change from protection to free trade. When I speak of free trade, I speak of it as synonymous in every way with a tariff for revenue only. There is not the suggestion of a difference between the two. England is a free-trade country, yet she collects more tariff revenue per capita than the United States. She levies her tariffs for revenue only; we levy ours for revenue and protection. Much can be said, and much has been said, in favor of free trade, or tariff for revenue only. Much can be said, and much has been said, in favor of protection. I suppose something can be said in favor of a tariff which measures the difference in the cost of production, but I have never heard anything which, to my mind, is favorable to it. It is not free trade, nor is it protection; it is competition. Children in the eighth grade know that if it costs one dollar to make an article in the United States which Germany can make for seventy-five cents, a tariff of twenty-five cents gives Germany an equal chance to supply our market. Germany sells everything she makes, from a doll's eye to a locomotive, from ten to twenty-five per cent cheaper abroad than at home. We can't touch her market on staples, for she is protected both in the difference in the cost of production and by a protective duty added. Germany knows only one kind of protection, and that is protection that protects.

"Notwithstanding her recent war scare, all things considered, Germany is the most prosperous country on the map. Her scale of wages, while higher than the average in Europe, is very much below the average in the United States. If the difference in the cost of production were to be considered the measure of protection, she would need no tariff against the products of the United States. Measured by the relative cost of production, Germany's tariffs are twenty-five per cent higher than anything that has ever prevailed in the United States. Her tariff policy is not only prohibitive, but it is permanent. She teaches her policy of protection to her school-children in this language: "Germany works for all the world, but nobody works for Germany but Germans."

"But, Governor, you would not issue an edict against changes of any sort in our laws?"

"Of course I would not. Many excellent laws have been passed during this last decade, and I do not recall one that I would repeal. I am not a reactionary. Yet I thoroughly believe that if Congress and the several Legislatures were to make the necessary appropriations covering a period of five years, and adjourn for five years, we should have a period of the greatest prosperity ever enjoyed by any people. We should then know what to expect. Now when Congress is in session no man dares open his safe until he has read the morning papers.

"Threatened changes are sometimes worse than actual changes. In December, 1893, a friend of mine in Ohio went to Boston to sell his wool. He was offered a certain price by a merchant there. He wanted a fraction more, and he started home. The next morning he read President Cleveland's Message advocating free raw material. At the first stop of the train he telegraphed the Boston merchant, 'I will sell at the price you offered.' He received this answer, 'We, too, have read the President's Message.' Schedule K in the tariff law has not been seriously disturbed, but I can give you the address of a ranchman in Wyoming who told me some months ago that he had 600,000 pounds of wool and 20,000 sheep pelts for which he could not get an offer. He may have sold after Congress adjourned.

"The idea of changing the tariff to meet changed business conditions is the rankest nonsense. It matters relatively little what the tariff is, business will adjust itself to it in time. It is the uncertainty that frightens people. Armies are frequently stampeded through fear of attacks from unknown forces and unascertainable numbers, but very seldom stampeded in the heat of battle. A general revision of our tariff law, to go into effect in one year, would paralyze everything. If the law could be changed during a night and without knowledge of anybody, we would survive almost anything. Anything is better than uncertainty."

"Do you see any ground for fearing another panic?"

"I do not. A panic is an acute condition. Business depression is a chronic condition. Panics are manifestations of fears, depressions are realizations. Neither the panic of 1893 nor that of 1907 lasted ninety days.

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Nothing ever feared by man could have caused a panic in 1896. Business was then far past the panic stage. It was dead.

"I give place to no man in my admiration for Grover Cleveland. Few men, however, are always right or always wise. Mr. Cleveland was a consistent believer in free trade. He was a consistent believer in sound money. He therefore told Congress that the greenbacks should be retired, and business was frightened. He said that the purchasing clause of the Sherman silver law should be repealed. He was right; but business did not know, and it turned pale. He then said that both of these evils were as nothing compared to what we were suffering with the protective tariff, and recommended immediate free-trade legislation; and business jumped overboard. If he had whispered to Congress that perhaps we had enough silver for the present, and recommended the repeal of the purchasing clause and an immediate adjournment, and intimated strongly that he would veto any other new legislation, the period of his Administration would have been our period of greatest prosperity. The panic did not last long, but the effects of the panic lasted four years.

"Business is no respecter of parties. Disturbing legislation will ruin business just as quickly when the Republican party is nominally in control as when the Democratic party is actually in control.

"Don't be shocked at what I am about to say, and don't abuse me for saying it, but examine the record and see if I am not historically correct. During our more than a century and a quarter of National history no man has ever walked the streets in vain for work, no man has ever gone home to find his wife in rags and his children hungry, because of dishonesty in public office, because of late or early frosts, because of droughts or floods, because of grasshoppers or boll-weevil, because of cyclones or earthquakes; but millions have suffered the loss of employment, which is worse than all the plagues of Egypt, through the lack of statesmanship at Washington. Nothing has prevented 1911 from being the most prosperous year we have ever seen except new legislation and threatened legislation. Our mines are still big with ore, our forests are still extensive, our soil is yet fertile, labor is willing, and God's promise that harvests shall follow seed-time was never more certain. No man can predict what 1912 has in store, unless he can predict what Congress and the Legislatures will do this winter.

"Lest I be misunderstood, I am free to say that new laws are necessary sometimes, and amendments to laws are frequently desirable, and it is occasionally wise to pay the price and make the changes. Unfortunately, however, experience proves that one good change results in a desire for ninety-nine more changes, only a few of which are desirable. When one man has advanced his political fortunes by advocating and securing needed changes, then every ambitious politician thinks he can be equally successful in the same way, and we get this mania for new legislation which just now constitutes the only impediment to the material prosperity of nearly one hundred millions of people."

"Will there not come some improvement when the pending tariff legislation is finished and out of the way?"

If I had asked him about the Day of Judgment, the Governor could hardly have looked more quizzical as he answered:

"You're taking a long shot with that question. How soon do you expect the pending tariff revision to be finished? You want a guess from me? Well, I'll put the date at least the other side of March 4, 1913. How do I reach that conclusion? I'll tell you. The President last session vetoed three tariff bills, giving as his reason for two of these vetoes that his Tariff Commission had not yet reported on the wool and cotton schedules, and therefore no man could know all that there is to be known on these subjects. In spite of a partisan majority against him in one house and a combination majority against him in the other, it proved impossible to muster the necessary two-thirds to override his vetoes.

"Meanwhile he had thrown the whole weight of his official authority behind the statement that Chinese tariff walls, and rates which more than measure the difference between the cost of production here and elsewhere, have served their day and gone. Following some such line of reasoning, he will tell Congress, at the opening of the December session, what it ought to do, and Congress will promptly proceed—*not* to do it. Congress may be trusted to stand true to its record for never accepting instruction from a commission. It never treated seriously a commission of its own creation; and one created by the President out of hand, after Congress had declined to give him

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authority to create it, is not likely to receive any more respectful consideration.

"Who compose the President's Commission? Five very nice gentlemen, all inexperienced in business. Two of them are free-traders, two competitive tariff men, and one protectionist. To this group the President has committed himself irrevocably, so that he is bound to continue vetoing whatever does not accord with their findings. But in response to his Message transmitting their report to a Democratic House, he is likely to be told: 'To pass now a wool or a cotton schedule based on the report of your Commission would be to discredit the schedules we passed last summer, and justify your vetoes of them, which we then condemned. We were sent here by our constituents to construct a tariff bill ourselves, in pursuance of the Constitutional provision that all bills for raising revenue shall originate in the House of Representatives. The Constitution says nothing about such bills originating with the President or with a Tariff Commission created by him. Just for to-day we believe in three co-ordinate branches of government, and we do not propose to belong to a subordinate branch.'"

"Will he fare any better at the hands of the Insurgents?"

"Not if I read the signs aright. They will meet his plea with the admission, expressed either in words or in action, that they have no economic policies of their own, and that their one and universal rule is to oppose anything the Administration proposes. The Old Line Republicans are too few now to be of any great assistance to him if they wanted to; and even their general loyalty to him as the nominal leader of their party will not prevent their answering: 'Personally we are fond of you; but on economic matters we parted company a good while ago, not by our wish, but by yours. You turned your back flatly upon the protective policy to which the Republican party for fifty years stood committed, and for whose maintenance we have repeatedly accepted responsibility to the people of the country. If we are forced to vote on your tariff programme, we may be moved by our belief in party solidarity to give it an outward show of support; but that is the most you can ask of us.'"

"So we must wait, in your judgment, till after another Presidential inauguration and the convening of a new Congress before we can hope for any improvement in lines of business affected by the tariff?"

"Bless you, no. It is not necessary to wait as long as that for an improvement, if the people are willing to look the situation frankly in the face. There's practically a year and a half before us in which we can absolutely count on no change in the tariff law. That's long enough for a good deal to be done in the way of relieving the stagnation. As things stand now, I might not be willing to recommend any big and risky new enterprises, but I can't see any reason why current business should not pick up and go straight along as it does ordinarily in fair weather. In fact, it seems to be picking up now. There may be a relapse when Congress gets fairly to work with its talk. Much will depend."

# CASTLES IN SPAIN

BY FREDERIC E. SNOW

Their walls uplifted o'er the forest trees,
And bathed in golden light from shining skies,
Echoing melodious with the wild birds' cries,
My castles rise beyond the Pyrenees.
Their banners wave in every strolling breeze,
Their gates stand open all the livelong day—
Nor turn they any wandering soul away.
Their windows look across the flashing seas;
Within, the air is vocal with gay song;
And priceless treasures gleaned from land and sea,
And books unnumbered, fill the loitering hours.
Impatience unrestrained my soul devours!
Speed, speed the days! O let them not be long,
Till I the castles of my dreams may see!

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# THE STORY OF A STORY

## A NEWSPAPER MAN'S NARRATIVE

### BY ROY S. DURSTINE

THE dam at Austin, Pennsylvania, went down at a little after two o'clock one Saturday afternoon. Inside of two hours every managing editor in New York had the first facts on his desk. The local correspondents—editors of small town papers, most of them, in the neighborhood of Austin—saw to that. Then the maps and railway guides were hustled out, and everybody was trying to find out where Austin was and how to get there. It didn't take long to discover that it was an overnight trip. Two correspondents and a telegraph operator left New York that evening at 8:30 for the "Sun." But the paper couldn't hear from them before the next evening. The story that Saturday night had to come—somehow. So the job was tackled from the office in New York.

The afternoon's despatches from the local correspondents were confused and incomplete. Even these didn't come from Austin itself, for every telegraph wire there was down. The telephone was a more promising agency, as it looked from New York, but a very few minutes of work proved that this was no more effective than the telegraph in reaching the scene of the disaster. One shred of a telephone wire in a road-house a mile above the flooded town was the only direct communication that stayed in the air. This wire was very busy. It had spread the first news to the little cities near by, and it was constantly occupied with the work of calling relief. Still, it was possible to talk from New York to half a dozen towns within a radius of fifty miles of Austin, and soon the hospitals, the newspaper offices, and the telephone centrals in these places knew in a general way what had happened. If you were a telephone central in a small town, and some one called up to ask for doctors and nurses and blankets and food, the chances are you would ask why they were wanted.

From the "Sun" office perhaps a dozen calls went through to the neighborhood of Austin that first night. A hospital in this town had sent doctors and nurses. A hotel-keeper in that town had just returned from driving over in his automobile to look at the flood. One or two of these calls suggested others. Here was a man who had lived in Austin. He could tell how the town had looked, the size and age and condition of the dam and who owned it, the names of its chief industrial plants—details that were necessary about a town that had jumped out of obscurity only when the first block of concrete jumped out of its dam.

In this way the men in New York went ahead to get the story without dependence upon the small town editors near Austin. But through the evening despatches began to arrive from these correspondents as more definite information was obtainable by them. From Williamsport, Olean, Port Allegany, Coudersport, these messages came. Philadelphia, closer to the scene than New York, was a clearing-house for news.

The despatches went to the man in the New York office who was handling the stories obtained by telephone and then written inside. An element of luck came into that evening. A newspaper sometimes has friends who are anxious to help it in an emergency. So on that night a priest called up from Port Allegany to ask whether his experiences in Austin that afternoon would be interesting. A man sat in a booth in the New York office and for twenty minutes listened to that priest's first-hand account. It took three-quarters of a column to tell his story. Another friendly soul in a town equally far away volunteered a long-distance description of the dam and some of its history, the names of its owners, and the fact that they lived in an up-State town in New York; useful information because it gave the paper an opportunity to get from the owners a statement about the causes of the break.

Gradually the facts were assembled as the evening progressed; repetition was eliminated and the story took shape. It may be imagined that the job of constructing a smooth-running narrative out of this patchwork made putting together the pieces of a many-membered jig-saw puzzle seem very childish and simple. But by midnight the thing was done and the paper had been put to bed.

Meanwhile the men who had been sent to Austin were with the representatives of other papers in a parlor car on the train for Philadelphia. They had left New York before



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very much had been learned about the flood. They were saying:

"Where is Austin, anyway?"

"Somewhere on the top side of Pennsylvania. The ticket office man never heard of it before."

"Our last estimate of the dead was eight hundred. What did you get?"

"Same thing. Know anything about the wires?"

"Not a word. All of them down, probably."

"Oh, this is going to be a sweet job!"

The quiet little clergyman who had a corner seat sat up and looked at the group whose conversation he had overheard.

"Oh, are you newspaper men going to the flood?" he asked. "I had always supposed that some one just happened to be there!"

The train came to a stop in the Broad Street station at Philadelphia, and the correspondents, baggageless in many cases because of the short notice on which they had left, ran for the sleeping-car office. Nothing but uppers were left, and very few of them. The railway hadn't known that it was going to carry a small army that night.

Half an hour later something like thirty New York, Philadelphia, Baltimore, and Washington newspaper men were crowded into the smoking compartment of the one sleeper carried by the train for the north. Every one shouted at once. Copies of late despatches were read to ears that couldn't hear above the clatter of the train and the hullabaloo of general conversation. Every one speculated and theories sprouted right and left. No one listened. A State Health Board surgeon and his nurses, whose berths were in that car, didn't sleep very well that night.

The train was due at Keating Summit, the junction five miles from Austin, at 9:05 the next morning, and an hour before that the carful was up and at the buffet, the only promise of breakfast. Wise heads remembered the privations of the Johnstown flood and advised eating heartily against going into a neighborhood where food was a curiosity. But the rulers of destiny in the buffet decided otherwise. One man had to content himself with half of a boiled egg and a bit of toast, and the next time that man touched food was thirty hours later. Two or three automobiles had been ordered to meet the train at Port Allegany, the station before Keating Summit, by correspondents who didn't trust the branch line. They splashed off along the muddy roads to Austin.

A string of coaches and a puffing engine aimed up the mountain were very welcome sights to the newspaper men when Keating itself was reached. This train was already filled with men and women from the neighboring towns, some of whom had been in Austin on the preceding night when the fire was shooting sparks as high as the hills that shelve into the valley. They were able to tell the first straightaway stories of the flood that the correspondents had heard. In one seat was a man whose team of horses had been washed away. He had climbed to safety on the steep bank of the road by grasping a sapling and swinging himself up. In another was one who had found a man and a woman with their two children on the fringe of the tide. The man and the smaller child were still living.

It was an hour and a half before that train had every one's consent to move. The winding climb up this foothill of the Alleghanies and the drop down the other side filled another half-hour.

The station at Austin had been washed away, and there was nothing to suggest a disaster in the place where the cars finally halted, although it wasn't a hundred yards from the valley where thirty feet of water had tumbled on the afternoon before. The correspondents stepped out of the train into ankle-deep mud and climbed a slippery bank of wet clay. Then they stood on the rim of the valley, the path of the flood, a quarter of a mile wide. In the center was the tangled heap of boards and bricks and plaster that had been the principal street. The flat plain that extended up the valley until it reached the broken dam a mile above had been the residential district. The boards that had been houses were piled on splintered wreckage as high as a three-story building. Below, to the right, lay another waste—overturned locomotives, cars torn from their trucks, and smoldering débris where the railway shops and kindling yards had been. Then the valley turned a corner on its way to Costello, the smaller town below, which had been partly destroyed.

Out on the flat plain where the gangs of wreckers were hauling down shattered houses was the newspaper man's material. Fast-flowing little streams, bridged by planks, still rushed down from the dam. In the drier spots were men and women who had seen the tossing water throwing up its clouds of hemlock logs. Every one of them had a story to

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tell. When you heard how differently two persons would describe the same incident, you didn't wonder that the stories of the newspapers were at variance in their details.

On a level piece of ground where a three-story building had been the day before a young man stood and reconstructed the business block for the newspaper men. He showed the quadrangle of mud where a hotel had been. He pointed out the yellow house on the hill where he had been when the flood came.

The survivors were eager to tell their experiences and to describe their sensations. It was too soon for anything but the novelty of the disaster to possess them, and they were a little dazed at all this interest and excitement. Even when they had to stand aside for the carriers who bore rough board litters upon which were sheet-covered bodies the Austin people showed little distress.

Two hours' work brought a greater mass of detail than any paper could print. The problem was to get an accurate list of the number of persons lost. Only a few bodies had been recovered, but when you looked at that clean-swept valley and when you remembered that the town's population had been about three thousand, it was impossible to see how the first estimates could be exaggerated. The hospital on the side of the hill and the school-house that had been turned into a morgue were the natural places to go for this information. The Health Department surgeon could only point to the line of sheathed bodies on the floor; he couldn't tell what lay under the buildings. Nor could the hospital matron. The chief of police, a shrewd, kindly old man who had lived there all his life, was more helpful. He had been counting faces that day, and he thought that about one out of ten was missing. That made the list three hundred, and this was the figure set later in the afternoon by the authorities.

But though the hospital matron couldn't be useful in giving information, she made more friends among the correspondents than any one in Austin. The first question she asked those who were fortunate enough to meet her was whether they had had anything to eat. And then she led the way to her table, where she radiated hospitality. When you consider that every restaurant, grocery store, and hotel had been destroyed and that the people of Austin were standing in line at the relief headquarters waiting for the nurses who had become waitresses to give them food, you may know what this meant.

A cold, biting rain had begun to fall over that depressing wreck of a town by this time. One newspaper man who had come away without an overcoat and who hadn't found the cheer of the hospital was talking to a State Health Board doctor.

"You're wet through, old man," said the physician. "Go over to that pile of militia overcoats and take one." Then the doctor hurried off to his many duties. The newspaper man started to do as he was told, but a constabulary sergeant stopped him.

"Hey!" shouted that officer; "them things is for the flood sufferers."

"Well, if any one is suffering from this flood more than I am, I want to know it," returned the correspondent, but he got no overcoat, just the same.

By four o'clock in the afternoon the big question was how to get the story to New York. There wasn't a telegraph wire out of Austin, and Keating Summit seemed the one best chance. A train was making up, and it was decided that one of the "Sun's" men with the operator should take it while the other remained to get further details. For some reason still unknown, that train started immediately. On the ride over the switch-back branch every one was going over what he had heard, putting the facts in order, and preparing to sit down and write.

But at Keating Summit disappointment was down to meet the train. Only one telegraph company had its wires through this junction, and its lone office was in a signal-house a hundred yards up the track. Into this one room, not more than twenty feet square, the correspondents jammed. A red-hot stove sent up clouds of steam from their wet clothes. Every one was tired and disagreeable and insistent about getting a wire. Above the clicking of instruments voices rose in every form of address from entreaty to threat and back again. The three operators patiently explained that they were trying their best to get facilities. At one key sat a tired telegrapher sending steadily. The author of what he sent, a man who represented a day and night news service, stood with a board in the crook of his elbow and wrote, leaning against the wall.

They gave the "Sun's" operator a wire that was flickering dismally; it was a new one which wasn't working well.

"Let me try my bug on that," said he,

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taking out his leather-cased instrument, which had been his only baggage from New York, and with which he was prepared to climb a pole, if necessary. After twenty minutes of fiddling he came back, shaking his head. He didn't like the situation a bit, and with that crowd he couldn't promise anything. The rest of the towns for twenty or thirty miles in each direction, he explained, were on the loop with Keating Summit. So it wouldn't do any good to try them. Besides, the trains were infrequent because it was Sunday, a fact that had occurred to no one up to that time. The situation was getting troublesome. Of course it was not yet five o'clock, but with the unavoidably inadequate telegraph service even that was too late to take chances.

The rain fell, and gloom settled down indoors and out.

Then some one had an idea. It was that the Health Commissioner was arriving on a train due in a few minutes, and that this train would land one in Olean, fifty miles away, where there were many wires on a separate loop. Inquiries at the station brought out the fact that this train wasn't scheduled to stop, but that it would pause long enough that evening to oblige the Commissioner. A waiting-room was full of sightseers returning from Austin, and they were scared out of their wits by the whoop that greeted this announcement.

Only four newspaper men had seen the advantage of taking this train, and they weren't making announcers of themselves to scatter the tidings among that scrapping mob in the signal-house. If every one grasped the same idea and the same train, the interior of the office at Keating would simply be transferred to Olean. No, after the first yell of delight they waited very quietly, and, when the train drew in, they walked into the dining-car, sat down before the shaded candles, and yawned luxuriously.

It was after six when Olean was reached, and that meant that the offices of both companies might be closed. So there was a 440-yard dash up the main street, suit-cases hammering against knees, in an effort to catch the operators. Sure enough, the first office was dark. Two little boys loitering in the hallway volunteered the information that the operator usually dropped in at a cigar store around the corner. Yes, he had been there, another sprint proved, but he had gone home. One of the newspaper men stayed in the shop to telephone the operator at his house. The others went to the second office. And when they found it, they couldn't believe their eyes.

There was a brightly lighted office, equipped with typewriters and operators, and a manager who said that he had plenty of wires and could get more. While the rejoicing was still going on the absent newspaper man came in breezily to say that the other office would be open in fifteen minutes. After that there was nothing to do but write. The "Sun" operator sat down to work, and in a few minutes he had a direct wire into the New York office. In three hours nearly four columns were in New York.

The "Sun" man who had remained behind in Austin, it may be remarked here, had his troubles. With a great many others, at about seven o'clock he boarded a train which had every appearance of an intention to start. It did start, and continued in motion all of a quarter of a mile. Then it returned to Austin. After a considerable wait came another start and another halt. This time the engine deserted and disappeared down the track. On board the stranded coaches were many men on whom their papers were counting and many photographers who had pictures that were wanted badly in New York. A conductor with frayed nerves explained that the engine had gone to Keating Summit for water! And this was a flood story! Long after he had quieted the riot that followed, the locomotive was still absent. When it returned and was coupled again, the engineer made a series of practice runs, testing the reversing as well as the driving power of his pistons.

When that train finally reached Keating Summit, just before eleven, the band of wild men that burst into the signal-house made the scene of the afternoon look very quiet and reasonable. But by this time an emergency office had been rigged in the station. The "Sun" man got a wire eventually, sent his late developments and incidents, and then, according to his instructions, began to make preparations to return to New York. He missed one train because it stopped at the water-tank instead of the station, slept three hours on a baggage truck, and reached Hoboken at ten the next evening after traveling seventeen hours.

Meanwhile the men whose stories had been finished from Olean were in New York by eleven o'clock, planning how to get back over the fifty miles to Austin. The one idea

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had been to get to a wire, and it had been thought that there would be plenty of trains on Monday morning to Keating Summit. But late that night, when the figuring on time-tables began, there was more trouble.

You see, it couldn't be assumed that the telegraph facilities that night in the neighborhood of Austin would be any better than they had been on Sunday evening. Olean, the correspondents knew, was all right, and the plan was to return. And yet the schedules showed that the only trains available would leave the newspaper men a little less than two hours in Austin. With the irregular branch line, returning at all was doubtful. The answer in the council that was held in a hotel bedroom that night came unanimously: "Get an automobile!"

Inquiries at the garages early the next morning developed a number of facts. The roads to Austin were unsafe at best. The recent rains had made them much worse. There wasn't an automobile man in town who would risk his car, but if he would risk it, how much would he get? One of them suggested a sum that he seemed to consider a distinct charity on his part. It wasn't, but when no one fainted there was action. Cars began to turn up from nowhere. Most of them, as it proved later, were in charge of chauffeurs who were perfectly willing to take out their automobiles without consulting the owners.

The car that was selected was picked for its driver, a garage proprietor who was plainly a man of adventurous nature. He looked like a pirate, and acted like one until the bargain was struck. After that he was the soul of amiability, and he and his car were the newspaper men's property, he assured them, for the day.

It was clear and bitterly cold over the fast run of the first ten miles of very fair roads. Then the mud began; slippery mud that whirled the back wheels off the crown of the road, glutinous mud that caked the hubs and splashed over rugs and coats, insidious mud that was mostly water and masked deep holes in the road. Going was slow, and the car's body bounced down upon the axles with impacts that threatened the springs.

At each of the small towns on the way the correspondents made momentary stops to see whether telegraph arrangements could be made for that night. Everywhere came the same disappointing replies from the operators. They could promise nothing.

There was no bit of the ride that was more trying than the mountain road from Keating Summit, where the wires were still far from satisfactory, to Austin. A hundred motor cars had been stalled or ditched at the side of this road on Sunday. One derelict after another was passed, and still the pirate-chauffeur tacked and veered and teased his wheels to stay where they belonged.

In Austin the depression of Sunday's gray skies had been scattered to a degree by bright sunlight. The task that day was to get a more comprehensive idea of the disaster. The formal sources of news—the relief headquarters, the hospital, the morgue, and the constabulary tents—were soon out of the way. The dam, to which only a fleeting visit could be paid on Sunday, was more carefully examined. Then the correspondents went out into the middle of the flood's path and walked over the ruins. The freaks of a disaster appeared at once.

Here was a picture-frame jammed into the mud; the picture was missing, but the glass, thirty inches square, was unbroken. A constabulary lieutenant took the newspaper men to the débris of Main Street and pointed to a spot even with the third story where the bodies of two horses had been caught up by the water. They were still in the torn shreds of the harness which fastened them to the carriage that was embedded in the heap just behind them. In another place was an automobile which had been rolled more than a mile. Its chassis was twisted beyond repair, but the glass in one of its lamps was only cracked. Here was a baby's shoe, a sheaf of photographs, a siphon from a hotel bar, or a bale of hay. Occasionally the newspaper men came upon a group taking out a body.

Through the afternoon the correspondents who were relying upon trains approached their motoring brothers, and by blandishment and guile sought to borrow their automobile.

"Lend us your car to run over to Keating, will you?" they asked innocently. "We'll send it right back."

"Of course you will if it doesn't break an axle in one of those holes," was the answer. "No, thanks! That car has got to carry us fifty miles to-night."

The pirate stood willing to undertake any or all of these side trips. He sighted another treasure. But he admitted that a bargain was a bargain. Besides, one of the newspaper men had the coil box plug in his pocket.

"What have you done to that man?" the tempters asked. "He can't be bribed!"

"We've practically bought his car, that's

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all," was the answer; "but we've promised to give it back to-night."

That day the Government census enumerators went through every house standing in Austin. They reported that eighty-five natives of the town were missing. The authorities set the list of dead that night at one hundred. The correspondents realized that from a newspaper view-point the story had been told and that they would be ordered into New York.

So the four who had come from Olean, representing the "Tribune," "Times," "American," and "Sun," tucked themselves into their car and told the pirate to do his worst on the return trip. It was nearly dark when the start was made. If the roads had been bad in daylight, they were worse in twilight, and almost impossible when the sky was black. The ride that followed was a wild one.

"Wanted to get back in a hurry, eh?" chuckled the pirate as he jerked the back wheels out of the ditch; "this fast enough for you?"

He wasn't hesitating for anything. The car slewed and jounced, rocked and bucked. Part of it was off the road half the time, but the driver, bent over his steering-post, humored those front wheels into making the back ones behave.

Every time the springs warped low the riders listened for snapping steel. A broken axle out there, miles from anywhere, would have meant getting down and plowing through the mud until some one stumbled against a telegraph office.

"Every one of those bumps takes five years off my life," said one man. "If those springs go—"

But they didn't, and in three hours the car rolled up to the hotel in Olean. And the telegraph instruments were yelping to be fed.

"It only goes to show," said one of the four the next day in the comfort of a parlor car returning to New York, "that covering a disaster, even in an isolated place like Austin, isn't such a tough job in this day and age. I haven't missed a meal, I've had a room with a bath each night, and the nearest thing to a hardship that came my way was an automobile ride!"

"We've been luckier than most of them, that's all," said another. "Personally, I'd rather have a couple of hardships and a few less wire troubles."

"Yes, there's no use talking," suggested a third; "the next time there's a disaster I'm going to get there a few days before it happens and make telegraph arrangements."

"But, my dear chap—" began the Englishman of the party.

# THE BANQUET

BY LOUISE DRISCOLL

One dwelt in darkness and sang within his dwelling,
An old one, a blind one, in a hut beside the way.
The king rode wearily; sad and full of care was he
When he heard the cheerful roundelay.

"Oh," sang the blind man, "I have had a good life!
Mine has been a merry life, with pleasant things beguiled.
Once a lass kissed me, once I heard a lark sing,
Once I found a flower, and once I comforted a child."

Then the king paused suddenly and held his hand for his men to see,
Left his horse, and went to the blind man's door.
"Friend," he called, "good-day to thee. May I come and sup with thee?"
"Aye, friend, and welcome. Why came ye not before?"

Then sat the great king, the wise king, the sad king,
Stroking slow his long beard while the blind man bent his head.
Salt and wet his eyes were on the bread and wine before him.
"Thank Thee," said the blind man, "Who hast sent me friend and bread."

Then the king rode hurriedly, then the king rode comforted.
"Oh," sang the blind man, "life goes merrily."
He dwelt in darkness and he sang within his dwelling.
"I have bread a-plenty, and a friend has supped with me!"

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# JUDGES AND PROGRESS

## BY THEODORE ROOSEVELT

EXPERIENCE during the past twenty-five years has shown that the people may be aroused to sound and high thinking, and their legislative and executive officers may show the intention of carrying out the people's purpose, and yet that the whole movement for good may come to naught, and festering wrong and injustice be perpetuated, because certain judges, certain courts, are steeped in some outworn political or social philosophy, and totally misapprehend their relations to the people and to the public needs. I am entirely aware that, no matter how carefully I guard what I have to say, no matter how cautiously and exactly I state the bald facts and truths that we should all recognize, yet that what I say will assuredly be misrepresented by certain persons with the deliberate purpose of misleading honest and conservative citizens into the belief that I am advocating something radical and revolutionary and destructive of our governmental system, and that I am making an "attack" upon the judges. But I feel that it is my highest duty to speak plainly on this subject so vital to our common welfare.

Let me, at the outset, put so clearly that only willful misinterpretation can deceive people, just what my position as to the courts is. I have the very highest regard, the highest respect and admiration, for the judiciary. As a whole, I think that our judicial officers stand on a higher level than any other body of public servants, or, for the matter of that, of private citizens. I could name offhand at this moment a number of judges now on the bench who render to the people more substantial service of more far-reaching value than is rendered at this time by any other men in public or private life—and all of these judges substantially agree with the position herein taken, which, indeed, is largely derived from them. I believe the courts have rendered our people incalculable services. I hold that the attitude of our people towards them should be one of appreciation and respect; *but not of servility*. I am a layman, but I take toward the courts precisely and exactly the attitude taken by the lawyer Abraham Lincoln, a man who earned his livelihood by the practice of law, a man who adhered to a high standard of legal ethics and believed emphatically in the legal profession, but who was a citizen and a statesman first and a lawyer second. We should all, whether business men, editors, lawyers, mechanics, farmers, or writers, be citizens first and members of our several professions next, and, if public men, we should in our sympathies and principles and practices be statesmen first, and only after that be lawyers or business men or editors or writers or members of any other profession. I criticise the decisions of judges only by adopting as my own the language used about these same decisions by the highest judges in the land—by, for instance, the present Chief Justice of the United States, Mr. Justice White; by Mr. Justice Holmes; by that great and upright servant of the people, the lamented Justice Harlan; by the Supreme Court of the State of Iowa and the Supreme Court of the State of Washington; by former Chief Justices of the States of Georgia and South Carolina; or by private citizens like James Bradley Thayer, the greatest Professor of Law that Harvard University ever had. I have never taken a position in advance of that taken by Abraham Lincoln when, in his first inaugural, immediately after swearing to observe and uphold the Constitution, he said: "If the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions of the Supreme Court, the instant they are made, in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their government into the hands of that eminent tribunal. Nor is there in this view any assault upon the court or the judges." I challenge my critics who denounce my "attacks on the judiciary" to put these "attacks" side by side with this and other speeches of Abraham Lincoln, and with the quotation from a former Chancellor of South Carolina given below; there is not a point I make which has not been stated with far greater emphasis by these two men and by the various judges I have named above. Moreover, it surely ought to be unnecessary to say that, in criticising the public acts of a public servant, whether judicial, legislative, or executive, I am not



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making any attack on the man personally. There are men to whom I am personally devoted, and for whom in their private capacity I have the very highest regard, with whose views on public questions I wholly disagree. In every great crisis of our great National development there have been men of the highest character, men who in most respects reached the highest level of good citizenship, who nevertheless took what I believe to be the wrong side. A public servant may render bad service to the public as the general at the head of an army, no matter how estimable and honorable a man he may be privately; and what is true of the military or naval officer is no less true of the civic official; and it is no less true of the judge than of the legislator or the executive.

Under our American system of government the judge occupies a position such as he occupies nowhere else in the world, a position which really makes him, so far as the negative side of legislation is concerned, the most important legislative official in the country; for of course it is merely to repeat a truism to say what was so well said by an English bishop two centuries ago, and what has been quoted again and again since, by Mr. Justice Holmes among others: "Whoever hath an absolute authority to interpret any written or spoken laws, it is he who is truly the lawgiver to all intents and purposes, and not the person who first wrote or spoke it." In some most vital respects the judges have become far more truly the lawgivers than either the executive or the legislative bodies, State or National, can be. In no other country is this permitted as with us. In Germany, France, or England, when the people have spoken and have definitely declared their mind through the legislature, the courts carry out the popular wish and apply it as formulated in law. Here the courts decide whether or not that wish shall be granted, whether or not the people are to have their will. Surely none will contend that the judge is not the servant of the people; and it behooves us to look carefully into any tendency to turn him into master instead of servant, so that the created rules the creator.

I most emphatically believe that we have been wise in giving great power to our judges, including this power of judicial interpretation of statutes to see whether they conform with the fundamental law of the land. But I also most firmly believe that, like any other power, this power can be abused, and that it is a power with which the people have merely temporarily parted, and not one which they have permanently alienated. Used cautiously and moderately and only in the clearest cases, as it has been used by our greatest judges from the days of Marshall to the present time, as it is defended by writers such as Mr. Thayer, it is fraught with the utmost good to the body politic. Used recklessly, wantonly, and foolishly, where the case is so doubtful that the judges themselves may be divided nearly equally on the two sides (in the Bakeshop decision, first and last, twelve judges held the law constitutional, and only ten, including, however, unfortunately, five of the nine Supreme Court judges, held it unconstitutional), as it has again and again been used in recent years, it results in very great evil. It has so resulted again and again in this State of New York. In the end it may result in even greater evil, for it may in the end cause such a revulsion in the minds of the people at large as to result in totally taking away this power from the judges—action which I should deplore, although I firmly believe that we should make far easier than at present the power to appeal to the people as a whole when a few individuals (even although they be judges) in doubtful cases arrogate to themselves the right to upset the deliberate judgment of the people on social and economic governmental policies.

Now let me once again ask you not to get confused in your mind as to what I mean. I am not speaking of the judges' performance of the ordinary judicial function as performed by judges in all lands, the function of the type which people all over the world have in mind when they speak of the uprightness of the judge, of the independence of the judiciary. I am speaking of the peculiar function of the American judge, the function of no other judge in the world, the function of declaring whether or not the people have the right to make laws for themselves on matters which they deem of vital concern. I am not speaking of the judge in his attitude of judge between one individual and another, or one individual and the State; I am speaking of the judge when, by virtue of his position, he declares that the people as a whole have, or have not, the right to carry out a given policy, a power which may give one man or three men or five men the right to nullify the wishes of the enormous majority of their ninety million fellow-citizens, a

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power which has been exercised repeatedly, sometimes wisely, sometimes very unwisely. Bear in mind that I am not at this time even referring to decisions dealing with the question of the respective spheres of action of Nation and State; I have in mind decisions which declare that the people themselves have no power to act, through either the National or the State governments.

One of the wisest judges now on the bench, in a recent letter, puts the case exactly (although he was writing primarily of judicial interference with laws affecting corporations rather than labor): "The whole subject should be raised out of the smallness of a lawsuit into the realm of statesmanship. We have made a capital mistake in transferring our faith in the ability of courts to decide wisely controversies between man and man in private litigation to the great public problems of modern commerce and industry. Why are the courts able to decide the first kind of controversies? First, they have the inherited wisdom of the profession for many generations stored up in the literature of the law. Second, the judge has actual knowledge of the living conditions out of which ordinary lawsuits arise. Neither of these things is true as to the other class of controversies. They are new. The literature of the law affords no light for their decision. Again, the ordinary judge knows nothing of the actual conditions out of which they rise. [This is especially true of labor matters.] In fact, the training of the law disqualifies the judge to deal with such questions. Its procedure and its rules of evidence were all devised for controversies of another kind. The ordinary judge comes to a modern trust or railroad case [or any case affecting the conditions of labor or the reforms demanded in modern social and industrial life] with his mind obsessed by those rules. He tries to cramp this great public question to fit rules devised for a suit on a promissory note or for trespass to real property. [An exact description of the mental attitude of the New York courts in the cases below cited.] Why is a judge able to decide ordinary lawsuits? Because he knows something of the actual life out of which they rise. He is [other things being equal] successful as he knows that life. The testimony of witnesses may inform a judge as to the facts of a particular case, but cannot instruct him as to the general subject. . . . A rate case or a trust case [or a case involving such a subject as workmen's compensation or excessive hours of labor] is a problem in administrative statesmanship. The training of the law not only fails to aid in its decision, but, in fact, disqualifies a judge for such work. He is constantly attempting to apply to it rules which were devised for controversies between man and man. American courts have become specially unfit for such work, because for a generation they have exalted rules of procedure above substantial justice." The Judge then proceeds to show why the lawyer who is chosen for public position simply because he is a good lawyer or because of the foolish belief that his training beyond any other training fits him for public life, or who in public life persists in regarding public questions not from the standpoint of the public servant but from that of the mere lawyer, does substantial damage, because, although "good for analysis and criticism, his judgment lacks the weight and sense needed for great public affairs." Washington was a farmer, Franklin an editor, printer, and writer, Lincoln a lawyer; and they were all three great public servants because in public matters each of them acted purely and simply as a public man, and not as a farmer, lawyer, editor, author, or printer. The Judge then continues to show why the Inter-State Commerce Commission can do much better work by itself than when hampered as regards its decisions on questions of fact by a court of review, such as a commerce court, the creation of which simply does damage in so far as it interferes with the policy of dealing with all questions of inter-State commerce as matters for administrative action, which cannot be beneficially solved by a mere succession of lawsuits.

During the last twenty-five years the courts here in New York, helped, I am sorry to say, once or twice by the Supreme Court of the Nation, have thrown what at times have proved well-nigh or altogether insurmountable obstacles in the path of needed social reforms. I have already alluded to the decision of the New York Court which forbade the people of New York through their Legislature to interfere with certain kinds of tenement-house factories. Almost without exception every intelligent social worker whom I have ever met, every man really interested in the betterment of social and industrial conditions among our working people, in giving better homes to working people in great cities, and in giving better conditions of labor to them when they

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are at labor—almost without exception every one qualified to judge on these matters has agreed that this decision was a blow to decent citizenship, a blow to the effort to achieve genuine reform, genuine betterment of social conditions, of so severe a nature that its mischievous effects can hardly be overestimated. I have no doubt that the men making the decision were upright men of high character; but they did as much damage as the worst legislative body, actuated by the worst motives, could possibly have done. Again, in 1907, the Court, in the David L. Williams case, declared that it was unconstitutional to fix the closing hour for the work of adult women. This decision rendered the 9 P.M. closing-hour law, on the statute-book since 1888, non-enforceable. A law restricting the working day without a closing hour is a sham and an imposture. The Court nominally acted in the interest of the "freedom" of the women workers, but in practice they simply forced upon them the "freedom" to work unlimited hours, and all night long whenever their employers wished to have them do so. In similar fashion our highest New York Court decided that the Workman's Compensation Law was unconstitutional. They decided that we were taking away the employer's property "without due process of law" when we strove to interfere in safe and moderate fashion to prevent the whole dreadful burden of disaster to life and limb from falling upon the shoulders least able to bear it. In another instance the Supreme Court of the State (in the case of Knisely vs. Pratt, recited at length in Mr. George W. Alger's admirable book "Moral Overstrain") upset the verdict obtained by a young girl who had lost her arm because her employer had not provided the safety guards to protect her from injury which were required by a statute of the State of New York, the Court holding that she had the "right" to assume the risk of injury at the machine notwithstanding the danger to which she was exposed. Remember, incidentally, that these decisions so jealously protecting the rights of property, and so callous in their disregard of the rights of human beings to life and limb, were rendered in a State in which each year there are twice as many persons killed in industrial establishments as were killed in the Spanish War, and in which, in addition to the killed, some 40,000 employees are annually crippled, maimed, or wounded. Again, in the Bakeshop Case, the Supreme Court of the United States, by a majority of five to four, took the ground that the people of the State of New York did not have the right, when they found certain conditions to be unhygienic, and so declared through the Legislature, to prevent men from working for too many hours under these unhygienic conditions.

If these decisions of the courts which I have quoted to you are samples of the decisions which will be made and sustained in similar matters in the future, then it is utterly idle for us to strive for reforms such as we champion, unless we are prepared to insist that, if we can persuade the majority of the people to share our views of social and economic reform, we are entitled to have these views become the law of the land. In the decisions of which I have spoken these unquestionably upright and well-meaning judges prove their devotion, not to the Constitution, but to a system of social and economic philosophy which, in my judgment, is not merely outworn, but to the last degree mischievous, because of its utter unsuitability to existing social and economic conditions. I hold that if a majority of the people, after due deliberation, decide to champion such social and economic reforms as those we champion, they have the right to see them enacted into law and become a part of our settled governmental policy; and I shall never abandon the effort to see this view triumph.

I am not primarily concerned with the argument as to whether or not the philosophical system championed by the judges in question is mischievous—although I firmly believe it so to be. I am not primarily concerned as to whether we, you and I, are right, or whether the extreme apostles of the *laissez faire* system who disbelieve in any attempt by any form of law to make social conditions more even and better are right. But I insist, as a matter of fundamental and primary concern, that we, the people, have the constitutional as well as the moral right to try these experiments if we soberly determine to try them. I believe that we have the right to limit the hours of labor for women and children, to fix the closing hours for women, to pass mandatory laws in connection with safety appliances (laws which shall apply whether or not the beneficiaries contract to waive their advantage under them); that we have a right to say that men shall not labor under conditions

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that we regard as ruinous to their health, or for so many hours a day or so many days a week as to make it impossible that their lives shall not be stunted and warped by excessive toil and unhealthy surroundings; that we have a right to say, if we choose, that manufacturing industries shall not be carried on in tenement-houses, and that the conditions in tenement-houses shall be such as to make it possible for men and women to live in them in decency, and for children to be brought up in them under circumstances that will permit them to become decent citizens in the future. I claim that we have the right to try to work for all these causes by securing proper laws, and the proper administration of those laws. Whether or not we are wise in wishing to obtain and use this power I am quite willing to debate (although personally I am absolutely convinced that we are wise); but I do not regard as debatable, I regard as self-evident, the proposition that this is a matter which we have the right to determine for ourselves, and not one which outsiders, however well-meaning, should be permitted to determine for us. I am well aware that if we get this power it is possible that we shall abuse it. There never yet was a power worth anything to use which it was not possible also to abuse. I hold that, if we get it, it will become a matter of the highest obligation on us not to abuse it; but I also hold that no half-dozen, or dozen, individuals, however well-meaning, have the right to forbid us to use it for fear that we may abuse it. So do not forget that I am asking for two things. I am asking that you adopt this philosophy of State action in certain cases as the right philosophy to adopt; and, furthermore, and what is much more important, I am asking you to declare unequivocally that it is for the people themselves to say whether or not this policy shall be adopted, and that no body of officials, no matter how well-meaning and personally honest, no matter whether they be legislators, judges, or executives, have any right to say that we, the people, shall not make laws to protect women and children, and also men in hazardous industry, to protect men, women, and children from working under unhealthy conditions or for manifestly excessive hours, or to prevent the conditions of life in tenement-houses from becoming intolerable. I say that we have the right to decide this for ourselves, and that we are unfit to be citizens of a country which stood by Lincoln in his criticisms of the Supreme Court over the Dred Scott decision, unless we are prepared to follow in his footsteps in this matter.

I have said that I am willing to debate the wisdom of the course of action I advocate; but by this I mean merely that it is one which the people (not the judges) have the right to reject or adopt as they see fit. I do not mean that there is any doubt in my mind as to the wisdom of the course. I hold, not only that the courts in these matters have usurped, or at least exercised in wholly wrong fashion, a power properly and clearly abiding in the people, but that they have thus strained to the utmost (and, indeed, in my judgment, violated) the Constitution in order to sustain a do-nothing philosophy which has everywhere completely broken down when applied to the actual conditions of modern life. These good judges, these upright and well-meaning men, who champion an outworn philosophy, do not realize that the changed conditions mean changed needs, and that the tremendous social problem of to-day cannot be solved by methods adequate to meet the infinitely simpler problems offered by industrial and social life a century ago. When this Constitution was founded, there were laws passed in the various States, and even in the Nation, for the government of the militia, in which it was set out that among their arms should be spontoons, and which defined how the soldiers should take care of the flints of the flint-lock muskets; and some of these laws are, or until a few years ago were, still on the statute-books. Well, a flint-lock and a spontoon would be no more inefficient against a modern foe in arms than we, the people, are inefficient in striving against social wrong and oppression if limited by law as the decisions I have quoted seek to limit us. When I was helping raise the regiment in which I served in the Spanish War, two or three elderly War Department officials, men of high character, acting in the kindliest spirit, did their best to force me to take black-powder weapons substantially the same as those they had known in the Civil War. It would have been no more foolish for me to have submitted to the wishes of these amiable and high-minded veterans than it would be foolish for us, the citizens of this country, if we now sat resignedly back with our arms folded and let ourselves be fettered in our efforts to fight the tremendous social and industrial evils of to-day as the judges of whom I have spoken have

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striven to fetter us in such decisions as those I have quoted.

Keep in mind that when I speak of these decisions as I do I am using less strong language than has been repeatedly used about them by various judges and courts. If you will read what the present Chief Justice, Mr. Justice White, said when the Supreme Court by a majority of one reversed its previous decisions of a hundred years on the income tax; if you will read what Justice Harlan said in his dissenting opinion on the Knight Sugar Case (when he took ground about inter-State commerce which, if taken in thoroughgoing radical fashion alike by the National Congress and the National Judiciary, would have rendered such action as that recently taken at the Conference of Governors wholly unnecessary); if you will read what Mr. Justice White and Mr. Justice Holmes said in their dissenting opinions as to the action of their colleagues of the Supreme Court when, by a majority of one, they decided the Bakeshop Case against the people of the State of New York; if you will read the opinion of the Supreme Court of the State of Washington, delivered September 27 last, sustaining the compulsory workmen's compensation law of Washington, in which the Court unanimously concurred, you will see that I have used much more moderate language than these judges and courts have used. I especially call your attention, by the way, to this opinion of the Supreme Court of the State of Washington. You will remember that in New York the Supreme Court held the Workman's Compensation Act to be in conflict with the due process of law clause of the Constitution, and with the Fourteenth Amendment of the National Constitution. The Court of Washington say explicitly that the principle embodied in the two statutes is the same, and concede that the New York decision is direct authority against the position they take, but say that, notwithstanding, they hold to their view that the law is Constitutional, and they sustain their position by arguments that seem to me not merely convincing but overwhelming. I wish I could quote their decision in full, for it is well worth study. They point out that all modern statesmen, jurists, and economic writers approve of the principle of the bill, economically, sociologically, and morally, as sound and proper, and that the principles therein contained have been enacted into law by nearly all civilized countries in Europe, by Australia, by New Zealand, by the Transvaal, by the principal provinces of the Dominion of Canada, and, in a partial form at least, by one or more of the South American Republics. The Court says: "Indeed, so universal is the custom, that to assert to the contrary is to turn the face against the enlightened opinion of mankind." The highest Court of the State of New York has, by its decision, practically forced that great State of ten million people thus to turn its face "against the enlightened opinion of mankind," and the Supreme Court of the State of Washington has rightfully declined to follow this example, and, by so doing, has criticised a reactionary attitude in the severest and most effective fashion.

When I was President, the man to whom I owed most for guidance as to the proper attitude that courts should take in matters such as these was Mr. William H. Moody, afterwards Justice of the Supreme Court, who during his lamentably short term of service gave promise of being one of the greatest justices who ever sat on that Court. It was he who called my attention to the first essay in Professor Thayer's book of "Legal Essays" on "The Origin and Scope of the American Doctrine of Constitutional Law." Nowhere else is there a clearer statement both of the advantage of conferring upon the courts the power that they possess under our system and also of the further fact that unless that power is wisely exercised it must inevitably be restrained. It is, I believe, an advantage to have fixed in the court the power to state that a legislative act is unconstitutional; but only provided that the power is exercised with the greatest wisdom and self-restraint. If the courts continue to use it with the recklessness that has too often been shown in the past, it is almost inevitable that efforts will be made to amend or abolish it; I know, for instance, that, as far as I am personally concerned, I earnestly hope to see in the next New York State Constitutional Convention provisions incorporated in the Constitution which will enable the people to decide for themselves, by popular ballot after due deliberation, finally and without appeal, what the law of the land shall be in cases such as those I have mentioned, where the courts of the State have refused to allow the people to establish justice and equity.

In advocating this change—not only for New York State, but for any or all other States where it may be found necessary—I

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am influenced largely by the history of the decisions of State judges in denying the people their rights, on the ground, not that the exercise of these rights is forbidden by the State Constitution, but that it is forbidden under the National Constitution, although the Supreme Court of the Nation has never so decided. Again and again (as in the workmen's compensation decisions, where the courts of New York, and of Connecticut under Chief Justice Baldwin, decided against the people, and the courts of Iowa and Washington in favor of the people) one State court has decided that a given statute to secure working men or women their rights is in conflict with the National Constitution, while the court of another State has taken the exactly opposite position on a practically identical statute. The courts of Massachusetts and New York have flatly contradicted one another in just such cases. Now, all I ask is that, where equally competent courts thus flatly contradict one another as to the rights of the people, the benefit of the doubt be given to the people. When the Supreme Court of the Nation has decided a question concerning the interpretation of the National Constitution, that decision is of course binding on both the judges and the people of the several States. But prior to this decision as regards Federal constitutional questions, and at all times as regards State constitutional questions, the people of each State should have the right to determine for themselves, after due deliberation, what the definite position of their governmental representatives is to be on any given Constitutional question. Let the State court first decide such question. Unquestionably such decision will carry great weight with the people; normally they will not overturn it, or even question it; and certainly in no case will they lightly or wantonly overturn it. But secure to them the right if they so desire, in any given case, to vote finally as to whether or not the decision is to be accepted as binding, in order to secure ample additional time for debate, provision could be made that such vote should not be taken within, say, six months of the decision. Then, if the people vote to sustain the decision, well and good; if they vote against it, then their action shall be accepted as that of the ultimate court of appeal, and shall be binding on all the State judges (until, or unless, of course, the Supreme Court of the Nation acts in the case if it be one affecting the National Constitution).

Remember that I am not now discussing what is known as the "recall" of the judges. Remember, also, that I am not now discussing decisions by judges in suits affecting merely private individuals, or cases between man and man; decisions which should, of course, be rendered wholly without heed to popular feeling and with inflexible regard to the eternal principles of justice. I am discussing a wholly different proposition, namely, that the people must have the right ultimately to determine for themselves what great lines of governmental policy are to be followed by the State, that they have never surrendered this ultimate right to the judges or any one else, and that it is our duty to see that it is not kept merely as a nominal and unreal right, a sham right, but that machinery shall be devised to make it a real, working right, which can be invoked and put into effect, after due deliberation, but without too much difficulty.

Mr. Thayer quotes the opinion of judge after judge in proof of his position that the courts should declare a law unconstitutional only when there can be no doubt in the minds of men of ordinary intelligence and good faith that their contention is just. The Chief Justice of Pennsylvania, speaking for the Court, said: "An Act of the Legislature is not to be declared void unless the violation of the Constitution is so manifest as to leave no room for reasonable doubt." Chancellor Waties, of South Carolina, said, using language which it would be well indeed for the judges of to-day to ponder: "The interference of the judiciary with legislative acts, if frequent or on dubious grounds, might occasion so great a jealousy of this power and so general a prejudice against it as to lead to measures ending in the total overthrow of the independence of the judges, and so of the best preservative of the Constitution. The validity of the law ought not, then, to be questioned unless it is so obviously repugnant to the Constitution that when pointed out by the Court all men of sense and reflection in the community may perceive the repugnancy. By such a cautious exercise of this judicial check, no jealousy of it will be excited, the public confidence in it will be promoted, and its salutary effects be justly and fully appreciated." And, yet again, the Georgia Court said: "No nice doubts, no critical exposition of words, no abstract rules of interpretation suitable in a contest between individuals, ought to be resorted to in deciding on the constitutional

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operation of a statute. This violation of a constitutional right ought to be as obvious to the comprehension of every one as an axiomatic truth, such as that the parts are equal to the whole." These rules laid down by judges in judicial opinions and quoted by this great Professor of Law at Harvard University were one and all most flagrantly violated in the decisions to which I have referred. It is a rank absurdity to hold that the violation of the Constitution is "evident" in a case in which the present Chief Justice of the United States and enough of his colleagues to come within one of a majority of the Court hold most strongly the opposite view. It is a rank absurdity to say that the Supreme Court of the State of New York has established what is as plain as an "axiomatic truth," when the Supreme Court of another State, like that of Washington (and I might include other States, such as Iowa), unanimously takes the opposite view. It is a rank absurdity to say that it is "axiomatic" that it is a violation of the Constitution to fix the closing hours of the work of adult women at 9 P.M. in New York, when in Massachusetts the closing hour has been fixed by law at 6 P.M. in textile mills, and at 9 P.M. in all other establishments. Every one of the decisions I have quoted is not only condemned by the experience of every practical student of social affairs, but is condemned by the decisions of scores of judges, including the unanimous decisions of courts in various other States of the Union. Such being the case, it is idle to say that the citizens of a State of ten million people, having the welfare of their children and children's children deeply at heart, are to submit in silence to having their efforts to work for justice and equity thwarted, and to acquiesce in a doctrine which would oblige them to stand supine and see social conditions deteriorate without making any effort to ameliorate them.

In an admirable recent decision of the Supreme Court, delivered through Mr. Justice McKenna, affirming the constitutionality of a Massachusetts labor law, as an exercise of police power, the Court says that the police power "extends to so dealing with the conditions which exist in the State as to bring out of them the greatest welfare of its people. . . . In a sense the police power is but another name for the power of government. . . . It is certainly the province of the State, by its Legislature, to adopt such policy as to it seems best." If only the principles set forth in this opinion, and in Justice Holmes's opinion in the Oklahoma bank cases, could become welded into all our law, there would be no need of changing this law so as to preserve popular rights. This is what I would infinitely prefer to see done. But if this cannot be done, then I unhesitatingly champion such change of the formal expression of the fundamental law as will render it immensely easier than at present for the people to pass finally on any constitutional interpretation by the judiciary.

I am sure that ultimately our people must, and will, come to the view that the Nation and the States within their several spheres—spheres which must cover every particle of the ground where it is possible for Government to act at all—have not only the right but the duty to decide as wisdom and experience shall dictate as to all the conditions which shall obtain in tenement-houses, in factories, in mines, on railways, for preserving men, women, and children in health, life, and limb. If they so decide, and are really bent upon having the decision reduced to practice, the courts will sooner or later, in one way or another, be forced to give it effect. It is idle to say that the people as a whole have not the right to decide for themselves on such a matter of governmental policy. It is in no shape or way one of the few questions where the public servants of the people have the right, and where it is their duty, to go counter to the wishes of the people. I do not mean that there are no such cases; on the contrary, I hold that not only the judge, but the legislator or executive, may at times find that his highest duty to the people is to resist the will of the people if some question of real and vital principle, of right or wrong, is at stake. But his usefulness in standing ruggedly for his own convictions in such cases where the moral law is at stake will largely depend upon his not having refused to represent the popular will when the people had a right to have their will respected. It is one of the highest duties of a judge to decide an issue of justice wholly without regard to popular feeling; but he can best perform this high duty if he also performs the high duty of trying to carry out in good faith a policy of law as to which the people have soberly and formally declared their intentions. All good citizens must uphold the judge who fearlessly does justice without regard to popular clamor or private intrigue. It was as much the duty of the people to uphold the judge who sentenced

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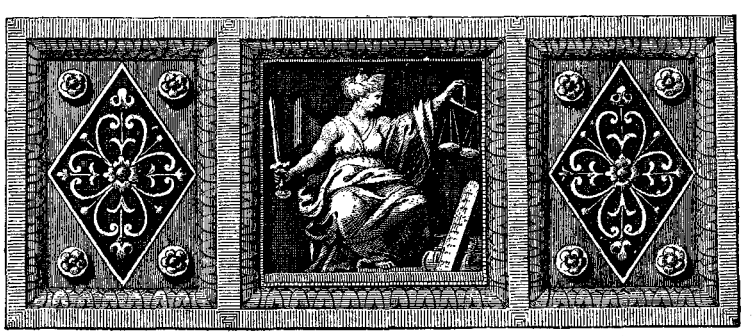
the Chicago bomb-throwing Anarchists as to uphold the other Chicago judges who sentenced offending corporations and individuals of wealth. Recently, in New York, certain official leaders of the miscalled Socialist party, in addresses which were in no proper sense Socialistic, but simply appeals for murderous anarchy, undertook to bring the most infamous kind of pressure on the courts and officers of justice in connection with the McNamara trial for murder.[1]

It was as foul a crime against justice thus to try to bully the court and jury into acquitting the men if guilty as it would have been to try to influence the court and jury to convict them if innocent. It is precisely because it is so vitally important that our people should uphold the courts when threatened in such fashion that I feel it to be so important that the courts should not give the people cause to feel that they, the courts, are wantonly ready to thwart the people's will when that will, duly expressed through the forms of law, should be respected.

I hold most strongly that the people of New York State and of the United States have the power and the duty, acting in their collective capacity through the National and State Governments, to do whatever is necessary to guard the welfare, not only of women and children, but of men, where they are required to live or to labor under conditions that are destructive of decency and good citizenship. I hold that public servants are in very truth the servants and not the masters of the people, and that this is true not only of executive and legislative officers but of judicial officers as well. The judge should be independent, but so should every proper executive or legislative officer. No public servant who is worth his salt should hesitate to stand by his conscience, and, if necessary, to surrender his office rather than to yield his conscientious convictions in a case of genuine importance. But while that is his right and his duty, our right and our duty is to see that he is responsible to us, to the people; and I hold with Abraham Lincoln that we are unfit to be called a free people if we permanently surrender the right to shape our destinies and place this right in the hands of any men not responsible to us. I do not believe that it is wise or safe to pretend that we have self-government and yet by indirect methods to try to rob ourselves of self-government. I believe that the only ultimate safety for our people is in self-control; not in control from the outside. I do not believe in snap judgments, I do not believe in permitting the determination of a moment to be transmuted into a permanent policy; but I do believe that the serious, sober, well-thought-out judgment of the people must be given effect; I do believe that this people must ultimately control its own destinies, and cannot surrender the right of ultimate control to a judge any more than to a legislator or an executive. As a matter of expediency it may be, and in my opinion it is, desirable that the control by the people over the judge shall be exercised more cautiously and in different fashion than the control by the people over the legislator and the executive; but the control must be there, the power must exist in the people to see to it that the judge, like the legislator and the executive, becomes in the long run representative of and answerable to the well-thought-out judgment of the people as a whole.

One word in closing. What I have advocated is not revolution. It is not wild radicalism. It is the highest and wisest kind of conservatism.

[1] Honest and sincere Socialists can have little or nothing in common with the men who make Anarchistic appeals of this kind; and I need hardly say that condemnation of such appeals, of such incitements to anarchy, should be strongest on the part of the very people who are entirely willing to apply any principle of Socialism if in actual practice that principle be found to work well.



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# THE SPECTATOR

THIS is the last day of the year, and the air is clear and cool off here on the coast of Africa. The Atlas Mountains are capped with snow and look cold and clean. The Spectator has had an open fire going all day in his house. But, with all the chill inside, the sun is bright and cheerful when it shines, and fills one full of a kind of electrical exuberance, like the fountain of everlasting youth our old explorers sought. The garden is aflame with roses, the violets are blossoming in sheltered corners, and the deep-green leaves of the tangerine trees are nesting-places for a ripe, golden fruit that is sweet and delicious. It is a land of contrasts and surprises, of a beauty that has the Oriental witchery of an "Arabian Nights" garden, of an unprogressive sadness of the ages that can be felt but not described.

The Spectator's library, not at all a great room, has small, deep-set windows and glass doors opening into the garden, through which he sees the heads of the caravans of camels as they leave Tangier for Fez, the capital. A caravan is passing now, tall, floating, and silent, with expressions as vacant as an ageless desert. One feels that they must have been passing along these same old roads one Christmas day, years and years ago, when Christ was born, and passing as silently and as mysteriously as now. And the cheerful sun of Morocco comes into the library and makes some quiet leather bindings of Shakespeare, Balzac, Scott, Thackeray, Turgenev, and our own beloved Hawthorne—perhaps as fine an artist as any—glow with a warmth of friendliness that one hardly knows at home, with its modern rush and strain.

There is a country trail on which the Spectator loves to ride. It skirts the hills at the edge of a cañon, some twenty minutes' horseback ride from Tangier, then rises and winds on near the top of the ridge for some miles in a more or less circular form. The Spectator passes on this road native women with their bright-colored clothes clinging to them, bearing fruits to market and flowers to sell and sticks to burn, and still others carrying babies, whose bright little eyes look out on a world they try to understand as they pass along tied to the mother. The Spectator also sees on this trail little piles of white-washed stones, the shrines of saints, and he sees saint-houses, and many flocks of sheep and goats, and droves of cattle being gathered in at the foot of the hill below the native towns for protection against the weather and the bandits, just as they were gathered in during the life of Abraham. And the shepherd is as sylvan, and plays a native lute. And a donkey with a cross every now and then stands grazing on the mountain, marked forever, according to tradition, as one of the especial family that Christ rode on earth, and therefore still held somewhat sacred. From every high point on the hills is seen Tangier, ancient and Biblical in appearance, like a picture of Damascus from a Bible of our childhood.

The Spectator feels that he has years and years ago dreamed this picture view out of a story-book. The city is tinged in the sunset with a glory almost sacred, as its burnt-out blue walls and red-tile roofs melt into the sea at its feet. Ages and ages have rolled away since it was first built. There is a legend among the Moors that the dove found the sprig of olive on Tangier's highest hill, and carried it to the ark as the first joyful sign of land. And as the sun sinks lower and lower into the sea, and splashes the city and the heavens with a final blaze of Oriental color, like the stained-glass windows of a great cathedral, the Spectator reluctantly turns his horse homeward, and as he rides the night settles and the cool evening mists begin to rise, and the gentle tinkle of the bells of the flocks is heard below each hill; and as his horse gallops on he thinks about the Moorish story of Tangier and the dove.

# THE NEW BOOKS

**India under Curzon and After.** By Lovat Fraser. Henry Holt & Co., New York. $4.

The present strained situation in Persia, and the announcement at the recent Durbar in India that the two provinces of Bengal are to be reunited under a single governor, give peculiar timeliness to Mr. Fraser's book. It is a historical narrative, not only descriptive, but, in a broad sense, critical, of Indian affairs—political, military, economic, educational, governmental, and international—during the past dozen years, with especial reference to the achievements of Lord Curzon as Viceroy. The greatest of these achievements Mr. Fraser believes to be the partition of Bengal (which has apparently now been undone, though on what grounds the world has not yet been informed), the solution of the problem of the Northwest Frontier, the reform of the system of education, and the formulation of a clear, consistent, and considerate land revenue policy. Mr. Fraser was for some years editor of "The Times of India," and has



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had unusual opportunities for understanding Indian conditions, for observing the events of which he writes, and for knowing the principal actors in those events. He is an enthusiastic admirer of Lord Curzon, and, without being betrayed into partiality, he has written with fine sympathy, warmth, and understanding of what can fairly be called the great services rendered by a man who had a great career—for the work of the Viceroy of India, when the Viceroy is a man of Lord Curzon's power and ability, legitimately comes under the heading that includes great careers. It is of especial interest to Americans in view of our own Philippine problems. Mr. Fraser's book is as delightful in manner as it is informing in matter. Not only is his style simple, lucid, and readable, but it has charm as well.

**Arctic Prairies (The).** By Ernest Thompson Seton. Charles Scribner's Sons, New York. $2.50.

Mr. Seton, in his usual lively and colloquial way of writing, describes a canoe journey of two thousand miles in search of caribou. His own drawings and photographs bring out the salient points and enforce the descriptions. In the region of Aylmer Lake, in Canada, he found conditions as to game and wildness of country which resembled the long-past days of our own Far West. Here, as he tells us, the locomotive and telegraph are unknown; the uncivilized Indian roams the forest and the prairie; the buffalo, the wolf, and all kinds of game abound, and the hunter and student of nature alike find in abundance what they most enjoy.

**France and the French.** By Charles Dawbarn. The Macmillan Company, New York. $2.50.

We can hardly have too many descriptions of the actual life of the always interesting French people. To gain information not contained in other books, Mr. Charles Dawbarn's "France and the French" is worth reading. It gives the impressions derived from his ten years' residence in France. It is specially worth while as a setting forth of the fact that the unfrivolous French constitute most of the people. The book dips beneath the surface, and with regard to politics is quite as interesting as it is with regard to social relations. For instance, take the Presidency—the French President plays a politically colorless rôle, says Mr. Dawbarn; there was an evident intention to give to him the character of an uncrowned constitutional king. Thiers, when he founded the Third Republic, the author even asserts, clearly had in mind the return of a limited monarchy, and the second President, MacMahon, "was really elected by the National Assembly as a sort of Monk, preparing the way for a Restoration." This may explain why a brilliant man, likely to be possessed of a Cæsar's ambition, is generally rejected in favor of Presidents of the type of Loubet and Fallières, who only wish to carry out their duties with simple and unostentatious dignity. As to present-day discontent, Mr. Dawbarn rejects the idea that a reconstitution of the monarchy would be any solution. He would sensibly find the solution rather in new electoral methods. These are coming. The elections of 1910 were the last to be held under the old system of the *scrutin d'arrondissement*, with its "narrow appeal to local prejudices."

**Plain-Towns of Italy.** By Egerton R. Williams, Jr. Houghton Mifflin Company, Boston. $4.

When one speaks of the little towns of Italy, one is apt to think immediately of the Umbrian towns—of Perugia, Assisi, and the rest; one is much less apt to think of the little towns of the Veneto. And yet those little towns of the Veneto have a charm all their own. They are not to be seen by the rapid tourist. They reveal themselves only to him who journeys leisurely on foot or by cycle or by carriage. Who can visit Castelfranco, for instance, and go away uncharmed? The noble roads leading thither, the splendid trees, the distant mountains, the town walls and palaces, and, finally, Giorgione's glowing masterpiece—all these things make a sum of satisfaction which the traveler will not get from every town in Italy. Mr. Williams has understood how to treat these towns of northern Italy with sympathy and understanding. His present volume is particularly valuable because, so far as we know, it is the only comprehensive book in English on the subject.

**Truth about Chickamauga (The).** By Archibald Gracie. Houghton Mifflin Company, Boston. $4.

This is an elaborate and detailed description of the actual facts and opposing views about Chickamauga. It will therefore interest the military man rather than the general reader. The author believes that history has been falsified about this battle. He has made an exhaustive study of the records and has carried on a voluminous correspondence with survivors of both armies. He holds that General Rosecrans did not really win a victory over his Confederate opponent, General Bragg, but that the latter made a pretended retreat as a feat of masterly strategy. He accords General Thomas high credit for a display of "leonine strength and tenacity of purpose;" and he thinks that General Sheridan did the best he could under the circumstances.

**Blue Bird (The).** By Maurice Maeterlinck. With twenty-five Illustrations in Color by F. Cayley Robinson. Dodd, Mead & Co., New York. $1.25.

The American publishers of Maeterlinck's plays and essays and of a recent biography of the dramatist and poet have supplemented their various contributions to the knowledge of this very interesting and individual writer by the publication of "The Blue Bird" in a small quarto, charmingly made. The play, as every-

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body knows, is a delightful poem, full of imagination and fancy. It was aimed at children, but it brings down their elders with even more deadly effect. It is a standing invitation to an illustrator, and Mr. Robinson has accepted the challenge and has interleaved the text with twenty-five illustrations in color, carefully avoiding the high tones and very skillfully suggesting by his blues and grays and browns the delicate quality of the text, with now and again a gayer bit of color to illustrate the "Farewell of the Lovers" or "Tyltyl Turning the Diamond," but still restrained and delicately toned. The whole book is happily in key with the text.

**Encyclopedia of Sport (The).** Edited by the Earl of Suffolk and Berkshire. New and Enlarged Edition. The J. B. Lippincott Company, Philadelphia. 4 vols. $20.

A new edition, in four large volumes, of an admirable reference book of all kinds of sport—from billiards to football, from swimming to aeronautics, from trout-fishing to pig-sticking, from fox-hunting to moose-calling, from broad jumping to tossing the caber. The articles in most cases are written by experts, and many of them make fascinating as well as informing reading. The encyclopedia is British-made, and both the selection of subjects and the point of view of the writers are predominantly British, although American sport is by no means neglected. The volumes are illustrated with a profusion of excellent photographs and some artistic colored plates.

**William Pitt and the Great War.** By J. Holland Rose. The Macmillan Company, New York. $6.

The qualities of profound scholarship, intimate acquaintance with the devious ways of statecraft, and able literary workmanship that distinguished the first volume of Dr. Rose's monumental biography of the younger Pitt are equally evident in this, the second and concluding volume. Here Dr. Rose is called on to survey chiefly the failures of Pitt as contrasted with the successes of the earlier period of his public career, in which, following the disasters of the American Revolution, he so brilliantly restored England to a state of economic prosperity and strong international influence. How the French Revolution upset his well-laid plans, how disaffection and want once more entered England, and how Pitt, prematurely worn out, breathed his last in the midst of the struggle with Napoleon—such are the principal themes of this second volume. That, in part, Pitt's failures were his own fault—due, on the one hand, to inadequate appreciation of the power of the national spirit in France, and, on the other, to lack of a really sympathetic understanding of the popular unrest in England—Dr. Rose frankly admits. But he insists, and presents a multitude of facts from European archives to support his contention, that England's woes in the first stages of the Great War were due mainly to the selfishness and incapacity of Pitt's foreign allies, especially the Hapsburgs and Hohenzollerns. Never before, perhaps, has such a careful study been made of the diplomacy of the wars of the French Revolution; and a study, moreover, that makes far more interesting reading than is usual in such undertakings. For Dr. Rose can write as well as think, and his pages abound in vivid passages of description and terse characterization that bring close to us the chief actors in the mighty drama. No less noteworthy is his account of the "insurgent" movement in England itself, when there was developed for almost the first time a keen political consciousness in the masses, partially stifled, it is true, by Pitt's repressive measures, but voicing aspirations which of late have found much forceful realization in the political life of the English people.

**Forty Years of Friendship: Correspondence of John Duke, Lord Coleridge, and Ellis Yarnall.** The Macmillan Company, New York. $3.

A rare privilege is offered to the readers of the correspondence between John Duke, Lord Coleridge, and Ellis Yarnall, during the years from 1856 to 1895. The book is appropriately entitled "Forty Years of Friendship," and is rich in the best biographical, political, and literary material. Mr. Ellis Yarnall, of English descent and Quaker ancestry, was born in 1817, and died in Philadelphia, the city of his birth, in 1905. By force of breeding, character, and intellect he gathered in his long life a group of congenial friends which included many noted public men of both England and America. Wordsworth, Derwent Coleridge, the Arnolds, and the Forsters were his friends, and under their auspices Mr. Yarnall met many another interesting person. While an ardent patriot, his love for England was a passion. He was a man of action, engaged in business all his life, yet turning to literature and the highest pleasures of society with unabating interest. These letters which passed between himself and Lord Coleridge are as fine examples of the intellectual and moral interchange possible to cultivated, trained men as can be found. Before the Civil War and during that conflict these friends corresponded, discussing, arguing, stating opposing positions, and evincing the most admirable temper through all. Mr. Yarnall, by his temperate yet immovable defense of his country, by his intimate knowledge of the disturbing elements in the North and the "wicked influence" exerted knowingly by the London "Times" and the New York "Herald," accomplished much toward setting the English public right as to our war. He was a correspondent of the "Guardian," the still influential English newspaper. "Our war is for the integrity of our Government—for National existence and against a people whose one aim is to make slavery perpetual," he wrote, in reply to Coleridge's declaration that the South had only broken off from

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"a paper Constitution eighty years old." The letters are full of enticement to quotation. One is stirred to the depths by the fervor and true insight shown in these noble utterances on both sides. Differing upon details, the friends were not far apart in essentials. Lord Coleridge in later years writes of art and literature with freedom and delightful independence. To call Paul Potter's "Bull" the fourth picture in the world, he says, in true English phrase, "seems to me simply silly." His witty comments upon current events in England and his outspoken criticisms of his political contemporaries make brilliant reading. His visit to America was a source of great pleasure to the friends. Mr. Yarnall, having often visited England, and following with minute care the course of English affairs, was ready to meet Lord Coleridge in any excursion into English governmental questions. A few fine pictures embellish the volume, of which as a whole too much cannot be said in praise. It stands in the front rank of modern correspondence.

**The Life of Edward, Earl of Clarendon.** By Sir Henry Craik. In 2 vols. The Macmillan Company. $5.50.

The biographer's temptation to idealize his hero is all too evidently triumphant in Sir Henry Craik's two-volume life of Edward Hyde, Earl of Clarendon. Plainly evident, also, is the fact that if other modern students of the Stuart period of English history have been inclined to treat that period from the standpoint of an "incurable Whiggism," Sir Henry Craik writes as an incurable Tory. Not Cromwell, Hampden, and Pym, but Laud and Strafford, are the great historic figures with whom his sympathies manifestly lie. The execution of Charles I is to him a "daring outrage;" the Parliamentary programme he regards not so much as a protest against absolutism as an attempt to impose on England the will of a tyrannous oligarchy. Not that Sir Henry is at any pains to defend the Stuart monarchs. As a partisan of Strafford he of necessity condemns Charles I for his desertion of his faithful Minister; while the portrait he draws of Charles II could scarcely be blacker. Indeed, it is so black that it is unconvincing. But, despite this, and despite the obvious narrowness of vision with respect to the Puritan Revolution, his two volumes are well worth while. They show us a glorified Hyde, to be sure, but still a Hyde much as he actually was—a man of noble and disinterested character; like Falkland, no doubt, a dreamer of impossible dreams, but of a fidelity and probity rare among the advisers of the Stuarts. If, as Clarendon, he betrayed defects never evident when he was plain Edward Hyde, he still carried himself with a strength that compels admiration. He was a true man to the last, and worthy of the careful, detailed study that Sir Henry Craik has made of him.

**Famous Italian Pictures and Their Story.** By Frances Haberly-Robertson. Fort Wayne Publishing Company, Fort Wayne, Indiana. $1.50.

With some forty reproductions of photographs of masterpieces, this book gives descriptions of each, with its history and the important facts about the painter's life. In many cases there are interesting stories or legends connected with the pictures, and these are told in readable fashion, while bits of criticism are added. The author has lectured on Italian paintings in many places, and has here utilized the substance of her lectures.

# LETTERS TO THE OUTLOOK

### AS TO NATURALIZATION

Permit me to correct a statement in your issue of November 18, page 644, relative to the naturalization of Porto Ricans. You say, "He [the Porto Rican] cannot be naturalized because there is no foreign prince or power allegiance to which he can forswear." This statement does not take account of the provision in the Federal Naturalization Law of June 29, 1906, which removes the disability under which native colonials suffered theretofore. In the case of persons under the permanent jurisdiction of the United States, "the applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law."

It is quite possible for Porto Ricans or Filipinos now to become citizens of the United States by going through the ordinary process of naturalization. Since the law does not empower any court in either Porto Rico or the Philippines to conduct the work of naturalization, it is at present necessary for colonials desiring citizenship to secure this through courts established in the United States. This of course involves two visits to the mother country, and is practically prohibitive for all but a few individuals. A simple amendment to the Naturalization Law including colonial courts of record among those competent to perform the work of naturalization would go far toward removing

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the grievance which Porto Ricans feel, without involving the possible dangers incident to a wholesale inclusion of the entire population of the island in our citizenship.

WALTER JAMES SHEPARD,
Department of Political Science,
University of Missouri.
Columbia, Missouri, November 18, 1911.

[We are glad to give to our readers this information respecting the amendment to the Naturalization Laws, which had escaped our attention. Our readers will observe, however, that it does not essentially modify our contention that legislation is necessary really to enable the Porto Ricans and the Filipinos to become naturalized citizens of the United States, since they can be naturalized only by taking two trips to the United States. Such legislation, in our judgment, ought to be enacted at once, and ought to be so framed as to make the naturalization process easy and inexpensive. The Porto Ricans especially have a good ground for complaint that the United States, after over ten years of occupation, has left them practically "men without a country."—THE EDITORS.]

## HOW TO DO IT

In an editorial of December 2, under the caption "How Not to Do It," you draw attention to the several propositions submitted to the voters of the State of New York at the recent election. It is to be regretted, however, that your excellent comments do not contain a more adequate suggestion for improving present unsatisfactory conditions.

In business contracts it is common practice to incorporate a preamble which not only recites the existing conditions which the contract is designed to affect, but also contains a statement of the object which the contract is intended to accomplish. In signing such a contract the parties to it may be governed quite largely by the preamble, knowing that in the event of its becoming the subject of litigation its interpretation by the courts will be in conformity with its intent as recited by the preamble.

Would it not distinctly improve conditions if all legislative enactments contained a preamble which should state the conditions which such enactment is intended to affect and the result which it is designed to secure? Such a preamble would facilitate the work of each member of the legislative body having the matter under consideration, and for the purposes of referendum would acquaint every voter who cared to become familiar with it, not only with the present conditions which the measure would modify, but also the prospective results which such enactment is designed to secure.

When such a preamble and enactment finally became a part of the law, the possibility of its violation through failure to understand its provisions would be greatly reduced. Should such a law become the basis of litigation, its intent as recited by the preamble would be positive and precise. It would no longer become the duty of the courts by process of abstract reasoning to discover "the intent of the legislature," because such intent would be declared as a part of the enactment. Reversal of lower courts or dissenting judicial opinion might thus become of rare occurrence, and a legislative enactment containing a "joker" would become almost or quite impossible.

JAMES A. SHEPARD.
Montour Falls, New York.

## THE TRUSTS—AND A DOG STORY

Having read the comments of The Outlook on the Tobacco Trust decree, and the submission for the approval of the Court of a plan of reorganization, which plan, quoting your words, "involves the breaking up of the American Tobacco Company into four separate concerns," I am reminded of a parallel case in the story of a Negro who owned a dog. Now the dog in question was a big dog, and, like all big dogs, was possessed of a big appetite, and as a consequence was *persona non grata* to the mistress of the household, and, as she was the breadwinner, her word was law; so when she "put her foot down" and declared the dog must be disposed of, her husband sat up and took notice. The wife was rejoiced when, a few days later, her man informed her that he had sold the dog for a hundred dollars; but you can imagine her surprise when he explained, stating that he had exchanged the dog for two bull pups worth fifty dollars apiece. The Outlook is right when it declares that the only way to deal with the trust evil is to endow some administrative body with the "function of regulation."

HOWARD C. GARDINER.
Green Bay, Wisconsin.

## ANIMALS AND MEN

I should like to enter a protest against the sub-title which Mr. Bransom has given to his beautiful pictures in The Outlook—"Introducing Some Animals of the Far Places who Give Their Lives that Women May Be Fashionable and Warm." One would think that *men* never wore furs! Yet not an automobile passes these days that does not contain at least one fur-clad man; our Western towns swarm with farmers in fur coats and caps (their wives cannot afford such things); and even in our city streets one may meet many a fashionable gentleman in fur-lined or fur-trimmed overcoat.

Why not ask Mr. Bransom to do an equally beautiful series of pictures to be entitled "Introducing Some Animals [and Birds] of the Far [and Near] Places who Give Their Lives that Men May Have Sport"?

CORA L. SCOFIELD.
Newton, Massachusetts.

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# BY THE WAY

The amount of holiday gift-buying this season may be judged of by the fact that in New York City alone during the week before Christmas one of the department stores is said to have received from the Sub-Treasury more than 1,000,000 pennies, simply for change.

The practice by women in our larger cities of removing their hats in theaters has not, it seems, been followed in all parts of the country. Atlanta, Georgia, recently passed an ordinance requiring this to be done. The Court of Appeals upheld the ordinance, using the following comparison in giving its opinion: "If it were the fashion for men to wear hats of such description as those worn by ladies in this day, and to keep them on in public places, could it be doubted that there would be a loud and vociferous demand on the part of the ladies for the abatement of such a nuisance?"

Seattle, it is reported, is to emulate New York City and perhaps surpass Chicago by building a forty-two story sky-scraper.

"Suppose Tim Sullivan," says the "Railway Age Gazette" in discussing the ethics of tale-bearing, "is in the habit of jumping on the front foot-board of a moving locomotive coming towards him; he endangers his own life and sets a bad example to young yardmen. The superintendent ought to be informed. If you go to him because you like to make trouble for Tim you are a 'tale-bearer.' If you tell of the bad practice because you want to save Tim's life you are doing a worthy service." In matters of life and death it would seem that railway officials ought to take the initiative and get at the facts by tactful questioning of reluctant employees.

Texas raises more turkeys than any other State—perhaps because turkeys require plenty of room for range, and Texas surely can give them that. Little Rhode Island, however, is said to produce the largest number of big turkeys—some of them weighing forty pounds, and worth forty cents for every pound.

Urging the extension of lighting service along country highways and in small villages, the "Electrical Review" says: "The tendency of the times is toward better street illumination; real estate values rise and outside residents are attracted by it; and apart from the reduction of accidents and the improved conditions of public safety afforded, the rural community finds itself acquiring a reputation as a live center if it devotes a reasonable sum yearly to meeting the lighting problem with courage and far-sightedness."

Notwithstanding the perishable nature of pearls, which are an animal product and hence not so durable as diamonds and other mineral gems, they are probably more prized at present than any other ornaments. The newspapers report the gift this season of two pearl necklaces valued at $500,000 each, and of a third valued at $200,000.

The whale, which for a century fairly held its own against the harpoon and the wooden sailing ship, is apparently doomed to extinction with the extension of new methods of whale-hunting. Within two years eight steel steamers armed with powerful machine guns have begun to hunt the whales of the North Pacific, and five additional steam whalers are now under construction. These vessels are primarily destroyers; they do not try out the oil as the old whalers did, but kill the whales with explosive shells and then tow the carcasses to a central station, where the work of getting out the oil, whalebone, etc., is done on a large scale.

A pedestrian who recently arrived in America claims to have walked around the world—not literally, of course, for in that case much of his walking would have been swimming—but wherever walking was possible. Many adventures befell him in his three years' journey. In crossing the great Australian desert he nearly died of thirst, but saved himself by the happy expedient of cutting a telegraph wire and getting rescued by the party that came to repair the break.

"Very little of the old navy is left in the new, either in equipment, manners, or customs," says Captain Gleaves, of the North Dakota. On an up-to-date battle-ship "nearly all trades are represented; and for the most part a man is allowed to ply his trade so long as there is no interference with his military duties." There are a bakery, a laundry, a hospital, a branch post-office, and a cold storage plant. To make the transformation complete, there is, says Captain Gleaves, "a new terminology." Avast, belay, the main brace, a taut bowline, etc.—these terms have all gone by the board—if there yet remains any board on these vessels of steel.

Oxford University has again rejected the proposition to make Greek optional in the entrance examinations. This proposal has been strongly urged by a minority party in the University's administration, on the ground of changed conditions. The argument which prevailed in rejecting it was that the history, traditions, and prestige of the University demanded the retention of the requirement as a scholastic standard.

Baguio, in the Philippine Islands, is probably the wettest place, at times, in the whole domain of the United States. Last July 88.14 inches of rain fell there in four days, of which one day contributed no less than 34 inches. Baguio is the official health resort of the islands. The hydropathic treatment, it would seem, should be popular there.

"Recently," says Miss Jane Addams in "McClure's," "I visited a home for semi-delinquent girls. Upon each of the little white beds was a doll, belonging to a delinquent owner still young enough to love and cherish this supreme toy of childhood. I had come to the home prepared to 'lecture to the inmates.' I remained to dress dolls." Many of these delinquent girls, Miss Addams says, become "white slaves" through ignorance of the basic laws of practical morality. She urges the teaching of these laws to all children by the public schools.

Cattle, a Japanese writer tells us, have been used in Japan almost since prehistoric times instead of horses for plowing, drawing vehicles, etc., but only within a generation as milk-producers. Japanese people in general are not fond of cows' milk. The milk, they say, tastes "cowy." Since the introduction of foreign breeds of cattle the use of milk has increased, but the sensitive Japanese taste still prefers food and beverages that have no animal flavor.

At a recent auction sale in England a book by Charles Lamb, "The King and Queen of Hearts," dated London, 1806, brought $1,700. What book published in 1906, we wonder, will bring such a sum in 2011? Perhaps one by some author who, like Lamb, did not acquire fame by his early work. Lamb, it will be remembered, did not begin writing the famous "Essays of Elia" till 1820, fourteen years after the above-mentioned book was published.

A house-boat of a new kind is described by "Country Life in America." House-boats have generally been of the stationary kind, without power. The new boat is self-propelling, of light draught, and seaworthy, so that she can be used on canals, on the Great Lakes, and in Florida waters. This new house-boat, however, lacks the saving grace of the older variety, that of cheapness. The great advantage of the old type was that a man thought he was getting his summer cottage rent free when the house-boat idea took possession of him. At the end of the season he was sometimes wiser.

We are informed that the winner of the Craig prize for the best play by a Harvard or Radcliffe student was Miss Elizabeth Apthorp McFadden, the last name having been omitted in the press despatches on which our paragraph in a recent issue was based.



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"Want" advertisements, under the various headings, "Board and Rooms," "Help Wanted," etc., ten cents for each word or initial, **including the address, for each insertion.** The first word of each advertisement is set in capital letters without additional charge. Other words may be set in capitals, if desired, at double rates. If answers are to be addressed in care of The Outlook, **twenty-five cents** is charged for the box number named in the advertisement. Replies will be forwarded by us to the advertiser and bill for postage rendered. Special headings appropriate to the department may be arranged for on application.

Orders and copy for Classified Advertisements must be received with remittance ten days before the Saturday on which it is intended the advertisement shall first appear. Address Advertising Department, The Outlook, 287 Fourth Ave., New York City.

## Tours and Travel

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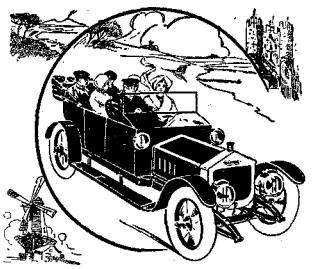

BE free from railway trains. Stop when and where you please. Visit historic and picturesque corners seldom reached by ordinary tourist methods. Comfortable inns throughout Europe now cater especially for the ubiquitous motorist. Save Time, save Money, enjoy more and actually

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ON THE NEW STEAMSHIP

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OF THE RED CROSS LINE

**19 DAYS** JAN'RY 27th **$100.00 UP**

**To Nassau, Havana, Kingston and Colon**

For the first time you may cruise among the West Indies in a limited time and moderate cost.

Electric fans in rooms and forced ventilation from deck. Sea sports, swimming pool, excellent cuisine, orchestra. AS A LIMIT OF 150 PASSENGERS IS SET AN EARLY BOOKING IS ADVISED.

Send for Handsome Booklet K.

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All About **NORWAY** Travel in
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**Europe via Mediterranean**
May, June, July sailings. 14th year. Book, map.
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Full value given for every dollar expended. June sailings to Northern and Southern ports. E. W. Van Deusen, 542 W. 124th St., New York.

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University tours to Europe and Orient. University study courses. History, art, etc. Cultural results. Moderate price. Booklet.

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Visiting all the principal places. Booklet on request. STEWART & WOODS, Journal Building, Boston, Mass.

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Travel study in the great cities of Europe. Summer tour. Sail June 20 and 29. Expert leaders, lecturers, preparatory reading. Address **Chautauqua Institution, Chautauqua, N.Y.**

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Best routes, best management, best testimonials, and the lowest prices in the world.
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A delightful Spring trip. Sailing Jan. 20, on R. M. S. "Franconia," for Spain, Morocco, Sicily, Italy: The Riviera, Nice, Monte Carlo, &c., Paris, London. Ten weeks—exclusively first class. For itineraries address **Mrs. E. A. Robson, 12 Laurence St., Yonkers, N.Y.**

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Optional return via Trans-Siberian Route.

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A summer tour across Siberia sailing in June. Fall Tour sails Sept. 27

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**EUROPEAN TOURS**
in spring and summer, covering all countries. Wide range of prices.

**MOTOR TOURS**
Finest individual service.

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2,000 at one cent each. Greek Handbook by Edmund Von Mach, 1 vol., $1.50. Italian Handbooks, 2 vols., $1.50 each.
Send two-cent stamp for catalogue.
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The U & I Way
**Oriental & European Tours**
The best way at moderate cost. Spring & Summer select tours. Booklet free. Universal Tours, St. Thomas, Ontario

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Attractive Spring Trips to the Mediterranean
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A high-class family hotel run under strictly Northern lines. **All white servants. First class table.** Rates $2.50 and $3.00 per day. Special rates by month or season. Dr. J. SUTHERLAND STUART, Maitland, Fla.

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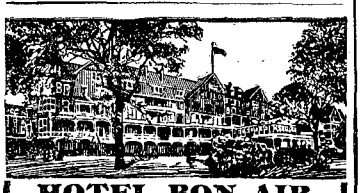

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An ideal place for a long or short stay. Stone, brick and steel building. Rooms en suite with hot and cold sea water in private baths. Over 70 forms of Tonic and Curative Baths and Treatments with trained attendants. Sea Water used in all Hydriatic Treatments.
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Healthful climate. Complete change and rest from the city with all home comforts.

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A MODERN HEALTH RESORT
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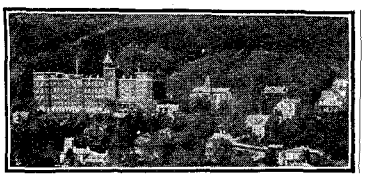

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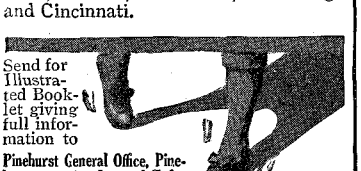

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Famous everywhere. Always open. Climate delightful. **Asheville, N. C.**

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Under management of Friends. 1,800 feet above sea level. Steam heated, baths en suite, sun parlor, library; fine scenery, dry and exhilarating atmosphere. L. M. DENGLER, Mgr., Pocono Manor P. O., Monroe Co., Pa.

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## Real Estate

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To settle the estate of the late **Miss Caroline Phelps Stokes,** her property, about 14 acres with

**Large and Handsome**

**RESIDENCE**

*Equipped with Electric Passenger Elevator*

**Orange Grove, Stable, etc.**

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For Price and Particulars Apply to

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Known as the

**CEDAR HILL PLANTATION**

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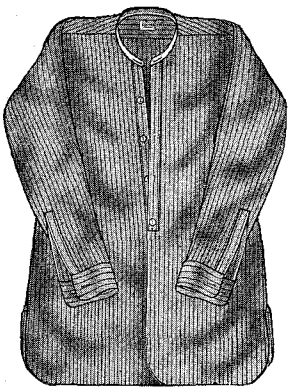

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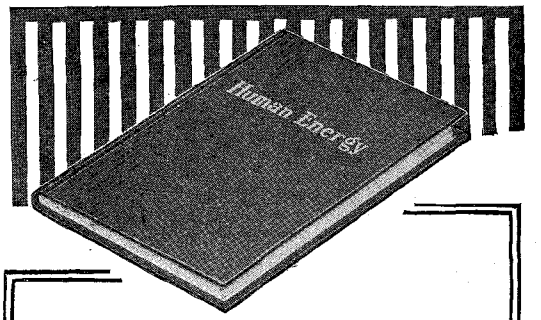


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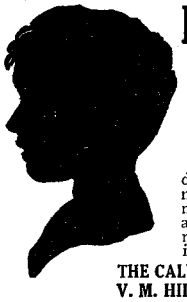

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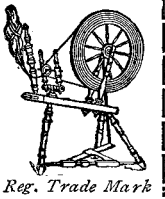

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# You Can Weigh

**Exactly what**

# You Should Weigh

My pupils are among the most refined, intellectual women of America. They have *regained* health and good figures and learned how to **keep** well. Each has given me a few minutes a day in the privacy of her own room to following scientific, hygienic principles of health, prescribed to suit each individual's needs.

## No Drugs—No Medicines

My work has grown in favor because results are quick, natural and permanent and because they are scientific and appeal to *common sense.*

**Be Well**—nothing short of **well.**

**Radiate Health**—so that every one with whom you come in contact **is** permeated with your strong spirit, your wholesome personality—**feels** better in body and mind for your very presence.

**Be Attractive**—well groomed.

**Improve Your Figure**—in other words be at **your best.** You wield a stronger influence for good, for education, for wholesome right living, if you are attractive and well, graceful and well poised—upright in body as well as in mind—and you are happier.

**I want to help every woman to realize that her health lies, to a degree, in her own hands, and that she can reach her ideal in figure and poise.**

Judge what **I can do** for you by what **I have done** for others.

I think I do not exaggerate when I say I have corrected more

**Chronic Ailments** and built up and reduced more women during the past **nine** years than any physician—the best physicians are my friends—their wives and daughters are **my pupils.**

I have

**Reduced** about 25,000 women from 10 to 85 lbs. I have rounded out and

**Increased the Weight** of as many more—all this by strengthening nerves, heart, circulation, lungs and vital organs so as to regulate the assimilation of food.

Won't you **join us?**—we will make you and the world better.

I have published a **free** booklet showing how to stand and walk correctly, and giving other information of vital interest to women. Write for it and I will also tell you about my work. If you are perfectly well and your figure is just what you wish, you may be able to help a dear friend—at least you will help me by your interest in this great movement of health and figure through natural means

**Sit down and write to me NOW. Don't wait—you may forget it.**

I have had a wonderful experience, and I should like to tell you about it.

**The Simplest Gown looks well on a Figure of Correct Proportion if Carried Well.**

**SUSANNA COCROFT, Dept. 8, 624 S. Michigan Avenue, Chicago**

*Miss Cocroft's name stands for progress in the scientific care of the health and figure of woman.*

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